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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,478	11/29/2006	Hideo ANDO	299995US2CONT	2600

7590 09/16/2008

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

EXAMINER	
GOMA, TAWFIK A	

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
09/16/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 09/12/2008 BPOWELL
11/30/2006 INTEFSW 00000048 11564478
02 FC:1111 -500.00 OP

Refund Ref:
09/12/2008 0030061047

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1004

Notice of Abandonment	Application No.	Applicant(s)	
	11/564,478	ANDO ET AL.	
	Examiner	Art Unit	
	Tawfik Goma	2627	

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

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☒ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

/BETTY POWELL/
Office of Data Management

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,480	11/29/2006	Hideo ANDO	298945US2SCONT	2602

7590 04/22/2008

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

EXAMINER	
HERNDON, HEATHER R	

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
04/22/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 04/23/2008 DTERRY
11/30/2006 INTEFSW 00000074 11564480
02 FC:1111 -500.00 OP

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,487	11/29/2006	Mark Costanzo	2305.0	2614

7590 12/17/2008

LAITRAM, L.L.C.
LEGAL DEPARTMENT
220 LAITRAM LANE
HARAHAN, LA 70123

EXAMINER	
SINGH, KAVEL	
ART UNIT	PAPER NUMBER
3651	
MAIL DATE	DELIVERY MODE
12/17/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 12/17/2008 NFARMER
11/30/2006 INTEFSU 00000076 120090 11564487
02 FC:1111 500.00 CR

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Alexandria, Virginia 22313-1450
www.uspto.gov

J. Michael Martinez de Andino, Esq.
HUNTON & WILLIAMS LLP
Riverfront Plaza, East Tower
951 E. Byrd Street
Richmond, VA 23219-4074

Mail Date: 04/21/2010

Applicant	: William G. Dennis	: DECISION ON REQUEST FOR
Patent Number	: 7658195	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/564,492	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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ALCON
IP LEGAL, TB4-8
6201 SOUTH FREEWAY
FORT WORTH, TX 76134

Mail Date: 04/27/2010

Applicant	: Michael J. Simpson	: DECISION ON REQUEST FOR
Patent Number	: 7659970	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/564,498	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **44** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/564,509	11/29/2006	Hideo Ando	298692US2S CONT	2646

7590 04/28/2008

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

EXAMINER	
TRAN, THAI Q	

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
04/28/2008	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: 04/24/2008 WFARMER
Adjustment date: 04/24/2008 WFARMER
01 FC:1201 -1000.00 OP
02 FC:1111 -500.00 OP
Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1007

UNITED STATES PATENT AND TRADEMARK OFFICE

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DAVIS PATENT SERVICES, LLC
9616 RAVENSWOOD RD.
GRANBURY, TX 76049

Mail Date: 04/21/2010

Applicant	: James M. Cronin	: DECISION ON REQUEST FOR
Patent Number	: 7575456	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/564,516	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **235** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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DAVIS PATENT SERVICES, LLC
9616 RAVENSWOOD RD.
GRANBURY, TX 76049

Mail Date: 05/18/2010

Applicant : James M. Cronin
Patent Number : 7575456
Issue Date : 08/18/2009
Application No: 11/564,516
Filed : 11/29/2006

: 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 **282** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

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

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,520	11/29/2006	Hideo ANDO	298885US2S CONT	2664

EXAMINER

7590 04/28/2008

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

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
04/28/2008	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:
05/01/2008 0030054904

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1007

Adjustment date: 05/01/2008 NFARMER
11/30/2006 INTEFSW 00000194 11564520
02 FC:1111 -500.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,539	11/29/2006	Hideo Ando	298947US2SCONT	2699

7590 04/28/2008

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

EXAMINER	
HERNDON, HEATHER R	

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
04/28/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 05/01/2008 NFARMER
11/30/2006 INTEFSW 00000240 11564539
02 FC:1111 -500.00 OP

Adjustment date: 05/01/2008 NFARMER
01/23/2007 INTEFSW 00001458 11564539
01 FC:1201 -400.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAR 1 8 2009

OFFICE OF PETITIONS

Law Office of Scott C. Harris Inc
PO Box 1389
Rancho Santa Fe, CA 92067

In re Application of :
Aaron M. Feaver, et al. :
Application No. 11/564,555 : DECISION ON PETITION
Filed: November 29, 2006 : TO WITHDRAW
Attorney Docket No. 17157-002002 : FROM RECORD
:

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 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 Scott C. Harris 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 Rudy DeFelice at the address indicated below.

There is an outstanding Office action mailed September 17, 2008 that requires a reply from the applicant.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Rudy DeFelice**
1600 Main Street, Suite 200
Venice, CA 90291

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/564,555	11/29/2006	Rudy DeFelice	17157-002002

CONFIRMATION NO. 2722

POWER OF ATTORNEY NOTICE

74162
Law Office of Scott C Harris Inc
PO Box 1389
Rancho Santa Fe, CA 92067

Date Mailed: 03/16/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/26/2008.

- 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.

/tswilliams/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,566	11/29/2006	Hideo Ando	298921US2S CONT	2736

7590 04/28/2008

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

EXAMINER	
HERNDON, HEATHER R	

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
04/28/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 05/01/2008 NFARMER
11/30/2006 INTEFSW 00000286 11564566
02 FC:1111 -500.00 OP

Adjustment date: 05/01/2008 NFARMER
01/25/2007 INTEFSW 00001168 11564566
01 FC:1201 -400.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,572	11/29/2006	Sumitaka Maruyama	300005US2S CONT	2745

7590 09/16/2008

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

EXAMINER	
GOMA, TAWFIK A	

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
09/16/2008	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.

Kaletus Buchanan

Patent Publication Branch
Office of Data Management

Adjustment date: 09/15/2008 KKING1
11/30/2006 INTEFSW 00000292 11564572
02 FC:1111 -500.00 OP

Refund Ref:
09/15/2008 0030061081

Credit Card Refund Total: $500.00

An Exp..: XXXXXXXXXXX1009

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,576	11/29/2006	Hideo ANDO	299984US2CONT	2750

7590 09/16/2008

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
09/16/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 09/12/2008 BPOWELL
11/30/2006 INTEFSW 00000296 11564576
02 FC:1111 -500.00 OP

Adjustment date: 09/12/2008 BPOWELL
11/30/2006 INTEFSW 00000296 11564576
02 FC:1111 -500.00 OP

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 Scott C. Harris, Inc.
P.O. Box 1389
Rancho Santa Fe, CA 92067

COPY MAILED

JAN 16 2009

OFFICE OF PETITIONS

In re Application of :
Rudy DeFelice et al. :
Application No. 11/564,577 : DECISION ON PETITION
Filed: November 29, 2006 : TO WITHDRAW
Attorney Docket No. 17157-002003 : FROM RECORD
:

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 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 Scott C. Harris on behalf of all attorneys/agents associated with customer number 74162. All attorneys/agents associated with customer number 74162 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: Rudy DeFelice
1600 Main Street, Suite 200
Venice, CA 90291

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
11/564,577	11/29/2006	Rudy DeFelice	17157-002003

CONFIRMATION NO. 2751

POWER OF ATTORNEY NOTICE

74162
Law Office of Scott C Harris Inc
PO Box 1389
Rancho Santa Fe, CA 92067

Date Mailed: 01/16/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/26/2008.

- 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.

/kainabinet/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,586	11/29/2006	Hideo ANDO	298905US2S CONT	2766

7590 04/28/2008

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

EXAMINER	
HERNDON, HEATHER R	

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
04/28/2008	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:
05/01/2008 0030054098

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1009

Adjustment date: 05/01/2008 NFARMER
11730/2006 INTEFSW 00000330 11564586
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,591	11/29/2006	Hideo Ando	298694US2S CONT	2772

7590 04/28/2008

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

EXAMINER	
HERNDON, HEATHER R	

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
04/28/2008	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:
04/30/2008 0030054886

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXX1007

Adjustment date: 04/30/2008 NFARMER
11/30/2006 INTEFSW 00000332 11564591
02 FC:1111 -500.00 OP

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicant	:	Ordis G. Weaver
Serial No.	:	11/564,605
Filed	:	November 29, 2006
Title		**Sublimation Containment Apparatus and Method for Developing Latent Fingerprints**
Docket	:	073056.00001-C

1762
Berry, Renee

Assistant Commissioner of Patents
Washington, D.C. 20231
Attention: Group Director

PETITION TO MAKE SPECIAL FOR NEW APPLICATION DUE TO APPLICANT'S AGE

Pursuant to 37 C.F.R. §1.102(c), Applicant hereby petitions to make this new application special based on applicant's age. As set forth in the attached affidavit, inventor and applicant, Ordis G. Weaver, declares that his birthday is April 20, 1935 and that he is 71 years of age. Accordingly, Applicant respectfully requests that the above-captioned application be advanced out of turn for examination or further action. 37 C.F.R. § 1.102(c); MPEP § 708.02(IV).

This Petition is filed without a fee because the basis for the Petition is the Applicant's age. 37 C.F.R. § 1.102(c); MPEP § 708.02(IV).

Very truly yours,

Megan D. Dortenzo
Reg. No. 39,172

Date: February 27, 2007

THOMPSON HINE LLP
P.O. Box 8801
Dayton, Ohio 45401-8801
(216) 566-5636

11179647.1

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
MAR - 6 2007

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.
11/564,612	11/29/2006	Hideo Ando	299981US2CONT	2803

7590 09/16/2008

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
09/16/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 09/12/2008 BPOWELL
11/30/2006 INTEFSW 00000381 11564612
02 FC:1111 -500.00 OP

Refund Ref:
09/12/2008 0030061050

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1007

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,626	11/29/2006	Hideo Ando	298902US2S CONT	2821

7590 04/22/2008
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
HERNDON, HEATHER R

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
04/22/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Refund Ref: 0030054500
04/23/2008
Credit Card Refund/2000 DTERRY
Adjustment Card Refund 00001166 11564626 -1200.00 UP
01/25/2007 INTEFSW
01 FC:1201 -1200.00 UP
Am Exp..: XXXXXXXXXXX1001

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCDONALD HOPKINS LLC
600 SUPERIOR AVENUE EAST, SUITE 2100
CLEVELAND, OH 44114-2653

MAILED

JUN 07 2010

OFFICE OF PETITIONS

In re Application of

Robert E. FRANK, et *al.*
Application No. 11/564,627
Filed: November 29, 2006
Attorney Docket No. **29692-00012**

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, 2010.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address.

Petitioner has not properly submitted a correspondence address change directing all future correspondence for the application.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71 (c) states:

> ***An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73 (b) that is signed by a party who is authorized to act on behalf of the assignee.***

The Office will also no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). All future communications from the Office will be directed to the above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address has been submitted.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,632	11/29/2006	Hideo Ando	298923US2S CONT	2830

7590 04/28/2008

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

EXAMINER	
HUTTON JR, WILLIAM D	

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
04/28/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 04/24/2008 NFARMER
11730/2006 INTEFSW 00000415 11564632
02 FC:1111 -500.00 OP

Refund Ref: 0030054561
04/24/2008

Credit Card Refund Total: $1000.00

Am Exp..: XXXXXXXXXXX1000

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

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

In re Application of	:	
Zhaoda Zhang et al	:	
Application No. 11/564,648	:	DECISION GRANTING PETITION
Filed: November 29, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 13498-010005	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 6, 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 July 14, 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 1618 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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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,650	11/29/2006	Judit E. PUSKAS	300076US0	2861

7590 09/11/2008

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

EXAMINER	
KAUCHER, MARK S	

ART UNIT	PAPER NUMBER
4131	

NOTIFICATION DATE	DELIVERY MODE
09/11/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 09/10/2008 BPOWELL
11/30/2006 INTEFSW 00000459 11564650
02 FC:1111 -500.00 OP
04 FC:1203 -360.00 OP

Refund Ref:
09/10/2008 00030060919

Credit Card Refund Total: $1500.00

Am Exp..: XXXXXXXXXXX1001

Notice of Abandonment	Application No.	Applicant(s)	
	11/564,650	PUSKAS ET AL.	
	Examiner	Art Unit	
	Mark Kaucher	4131	

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

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☒ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

/BETTY POWELL/
Office of Data Management

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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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DAVID KIEWIT
5901 THIRD ST SOUTH
ST PETERSBURG FL 33705

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JUN 0 4 2007

OFFICE OF PETITIONS

In re Application of :
Murray F. Feller :
Application No. 11/564,663 : DECISION ON PETITION
Filed: November 29, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. FTU : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 29, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the applicant declaring that he is 65 years of age older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2855 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
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,664	11/29/2006	Hideo ANDO	298696US2S CONT	2890

7590 04/28/2008

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

EXAMINER	
HERNDON, HEATHER R	

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
04/28/2008	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: 05/01/2008 NFARMER
11/30/2006 INTEFSW 00000506 11564664
02 FC:1111 -500.00 OP

Adjustment date: 05/01/2008 NFARMER
01/10/2007 INTEFSW 00001254 11564664
01 FC:1201 -200.00 OP

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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.
11/564,667	11/29/2006	Ren SAKATA	299959US2RD	2894

7590 01/28/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
KASRAIAN, ALLAHYAR

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
01/28/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
01/28/2010 0000079414

Credit Card Refund Total: $500.00

No Exp.: XXXXXXXXXXXX[illegible]

Adjustment date: 01/28/2010 NFARMER
11/30/2006 INTEFSW 00000517 11564667
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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KNOBLE, YOSHIDA & DUNLEAVY
EIGHT PENN CENTER
SUITE 1350, 1628 JOHN F KENNEDY BLVD
PHILADELPHIA, PA 19103

Mail Date: 04/21/2010

Applicant	: BRADLEY E. LAYTON	: DECISION ON REQUEST FOR
Patent Number	: 7647848	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/564,678	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **340** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,687	11/29/2006	Hideo Ando	298690US2S CONT	2927

7590 04/28/2008

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

EXAMINER	

ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
04/28/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 04/29/2008 NFARMER
11730/2006 INTEFSW 00000581 11564687
02 FC:1111 -500.00 OP

Refund Ref:
04/29/2008 0030054827

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1001

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,688	11/29/2006	Hideo Ando	299988US2CONT	2928

7590 09/16/2008

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

EXAMINER	
GOMA, TAWFIK A	

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
09/16/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 09/12/2008 BPOWELL
11/30/2006 INTEFSW 00000573 11564688
02 FC:1111 -500.00 OP

Refund Ref:
09/12/2008 0030061070

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1007

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,689	11/29/2006	Hideo ANDO	300001US2CONT	2931

7590 09/16/2008

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

EXAMINER	
GOMA, TAWFIK A	

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
09/16/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 09/12/2008 BPOWELL
11/30/2006 INTEFSW 00000580 11564689
02 FC:1111 -500.00 OP

Refund Ref:
09/12/2008 0030061071

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1004

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.
11/564,690	11/29/2006	Hideo ANDO	298680US2SCONT	2935

7590 04/21/2008

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

EXAMINER	
TRAN, SINH N	

ART UNIT	PAPER NUMBER
2615	

NOTIFICATION DATE	DELIVERY MODE
04/21/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 04/23/2008 DTERRY
11/20/2006 INTEFSW 00000585 11564690
02 FC:1111 -500.00 OP

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,699	11/29/2006	Hideo ANDO	298678US2S CONT	2955

7590 04/21/2008

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

EXAMINER	
HERNDON, HEATHER R	

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
04/21/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 04/23/2008 DTERRY
02/27/2006 INTEFSW 00000623 11564699
-500.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,701	11/29/2006	Hideo Ando	299997US2 CONT	2965

7590 09/11/2008

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
09/11/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 09/10/2008 BPOWELL
11/30/2006 INTEFSW 00000636 11564701
02 FC:1111 -500.00 OP

Adjustment Date: 09/10/2008 BPOWELL
09/08/2006 MGEBREM1 00000032 022135 11516626
02 FC:1111 500.00 CR

Notice of Abandonment	Application No.	Applicant(s)	
	11/564,701	ANDO ET AL.	
	Examiner	Art Unit	
	Hoa Nguyen	2627	

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

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☒ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

/BETTY POWELL/
Office of Data Management

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,712	11/29/2006	Hideo ANDO	300003US2 CONT	2983

7590 09/16/2008

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
09/16/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 09/12/2008 BPOWELL
11/30/2006 INTEFSW 00000674 11564712
02 FC:1111 -500.00 OP

Refund Ref:
09/12/2008 0030061048

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1006

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,716	11/29/2006	Hideo ANDO	298676US2S	2989

7590 04/21/2008

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

EXAMINER	
LUKE, DANIEL M	

ART UNIT	PAPER NUMBER
2813	

NOTIFICATION DATE	DELIVERY MODE
04/21/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 04/23/2008 DTERRY
11/30/2006 INTEFSW 00000685 11564716
02 FC:1111 -500.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

Mail Date: 04/20/2010

Applicant	: Delbert Linn Harris	: DECISION ON REQUEST FOR
Patent Number	: 7622254	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/564,717	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **185** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

Mail Date: 05/17/2010

Applicant : Delbert Linn Harris
Patent Number : 7622254
Issue Date : 11/24/2009
Application No: 11/564,717
Filed : 11/29/2006

: 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 **254** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

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

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/564,718	11/29/2006	Hideo Ando	298686US2S CONT	2993

7590 04/28/2008

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

EXAMINER	
TRAN, THAI Q	

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
04/28/2008	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:
05/01/2008 0030054925

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1007

Adjustment date: 05/01/2008 NFARMER
11/30/2006 INTEFSW 00000691 11564718
02 FC:1111 -500.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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PACESETTER, INC.
15900 VALLEY VIEW COURT
SYLMAR, CA 91392-9221

Mail Date: 04/21/2010

Applicant	: Rose Province	: DECISION ON REQUEST FOR
Patent Number	: 7660629	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/564,725	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **695** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,736	11/29/2006	Hideo ANDO	298674US2SCONT	3025

7590 04/22/2008

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

EXAMINER	
ART UNIT	PAPER NUMBER
2621	
NOTIFICATION DATE	DELIVERY MODE
04/22/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 04/23/2008 DTERRY
11/30/2006 INTEFSW 00000745 11564736
02 FC:1111 -500.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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 :
Wenli Ma et al. :
Application No. 11/564,744 : DECISION ON PETITION
Filed: November 29, 2006 : TO WITHDRAW
Attorney Docket No. **056274-3950** : 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** 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 August 7, 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: Swiss Tanner, P.C.
P.O. Box 1749
Four Main Street, Suite 100
Los Altos CA 94022

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
11/564,744	11/29/2006	Wenli Ma	056274-3950

CONFIRMATION NO. 3038

88984
Swiss Tanner, P.C.
P.O. Box 1749
Four Main Street, Suite 100
Los Altos, CA 94022

POA ACCEPTANCE LETTER

OC000000037280489

Date Mailed: 08/10/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/07/2009.

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.

/jlburke/

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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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/564,744	11/29/2006	Wenli Ma	056274-3950

CONFIRMATION NO. 3038

38706
FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO, CA 94304

POWER OF ATTORNEY NOTICE

OC000000037280488

Date Mailed: 08/10/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/07/2009.

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

/jlburke/

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

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/564,755	11/29/2006	Hideo ANDO	299999US2CONT	3055

7590 09/16/2008

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
09/16/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 09/12/2008 BPOWELL
11/30/2006 INTEFSW 00000799 11564755
02 FC:1111 -500.00 OP

Refund Ref:
09/12/2008 0030061049

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1004

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.
11/564,778	11/29/2006	HIDEO ANDO	298880US2S CONT	3090

7590 04/28/2008

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

EXAMINER	
HERNDON, HEATHER R	

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
04/28/2008	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:
05/01/2008 0030054903

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1005

Adjustment date: 05/01/2008 NFARMER
11730/2006 INTEFSW 00000868 11564778
02 FC:1111 -500.00 OP

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

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NOV 0 9 2007

OFFICE OF PETITIONS

In re Application of	:	
Hideo Ando et al	:	
Application No. 11/564,804	:	DECISION ON PETITION
Filed: November 29, 2006	:	
Attorney Docket No. 299782US2SCONT	:	

This is a decision on the request filed September 25, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **DISMISSED**.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

37 CFR 1.26(a) states, in part: "The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee."

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web when the following conditions have been met:

(1) Applicant must certify that they had filed the duplicate application(s) prior to receiving appropriate confirmation from the Office that the initial application filing via EFS-Web was received by the Office;

(2) the request for a refund must be filed within three months from the filing date of the first application receiving an appropriate acknowledgement;

(3) the request must include a statement which attests on a personal knowledge basis or to the satisfaction of the Director that the duplicate application was intended to be the original application;

(4) the duplicate application must have been filed via EFS-Web on or after March 16, 2006;

(5) the request must list the other application(s) of which the instant application is deemed to be a "duplicate"; and

(6) the request should include a statement of express abandonment of the instant application as it was filed in error.

When the above conditions have been met, the Office will generally accept the statement as an assertion that the duplicate application was filed by mistake without requiring further information.

The instant petition lacks items (2) and (6) above.

Accordingly, the petition for refund of a duplicate filing fee under 37 CFR 1.181 cannot be granted at this time.

Petitioner is advised that the filing of an express abandonment under 37 CFR 1.138(d) to obtain a refund of the search and excess claims fees can only be processed before an examination has been made of the application. Thereafter, petitioner cannot obtain a refund of such fees except as provided in 37 CFR 1.26.

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

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

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

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

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUL 12 2010

McGlinchey Stafford, PLLC
Attn: IP Group
301 Main Street 14th Floor
Baton Rouge, LA 70802

In re Application of:	:	
James L. McNaughton et al.	:	**PETITION UNDER**
Serial No. 11/564,807	:	**37 C.F.R. 1.181**
Filed: November 29, 2006	:	
For: **Microbiocidal Control in the Processing of**	:	
Meat-Producing Four-Legged Animals	:	

This is in response to the "Petition Regarding Requirement for Election of Species" under 37 C.F.R. 1.181 filed on February 18, 2010.

Petitioner requests supervisory review of the notices of non-responsive response dated October 16, 2009 and February 3, 2010.

The petition is **DISMISSED** in light of the examiner's office action mailed on June 11, 2010 considering applicant's election. However, a review of the examiner's office action mailed on June 11, 2010 and in particular to the response to applicant's election, it appears that the examiner failed to indicate whether or not the restriction requirement is made final. Therefore the application is being returned to the examiner for clarification of his position on the finality of the restriction requirement.

Petitioner is reminded that 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 under 37 C.F.R. 1.144. 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). Any questions or comments with respect to this decision should be directed to Peter M. Poon at (571) 272-6891.

Katherine Matecki

Katherine A. Matecki, Director
Technology Center 3600
(571) 272-5250

KM:Pmp 6/28/10
/TL/

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SEP 19 2007

OFFICE OF PETITIONS

QUARLES & BRADY LLP
TWO NORTH CENTRAL AVENUE
ONE RENAISSANCE SQUARE
PHOENIX AZ 85004-2391

In re Application of

GRANUCCI, Nicole J. et al.
Application No. 11/564,818
Filed: November 29, 2006
Attorney Docket No. **P-00916USC1 (46763-00417)**

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 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 Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, patent application has been transferred to new attorney, 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 Tredelle Jackson at 571-272- 2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **BRAD DESANDRO**
QUARLES AND BRADY LLP
TWO N. CENTRAL AVENUE
ONE RENAISSANCE SQUARE
PHOENIX, AZ 85004-2391

cc: **LEWIS AND ROCA LLP**
40 N. CENTRAL AVENUE
SUITE 1900
PHOENIX, AZ 85004-4429

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APPLE c/o MOFO NOVA
1650 TYSONS BLVD.
SUITE 300
MCLEAN, VA 22102

Mail Date: 04/21/2010

Applicant	: Jeffrey L. Robbin	: DECISION ON REQUEST FOR
Patent Number	: 7667124	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/564,828	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **298** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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1940 DUKE STREET
ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

ON PETITION

In re Patent No. 7,382,652
Application No. 11/564,887
Filed: November 30, 2006
Issued: June 3, 2008
Attorney Docket No. 299625US2SXDIV

This is a decision on the petition filed August 29, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to add the second assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20081022
sn, 11/569887

DATE : November 04, 2008

TO SPE OF : ART UNIT 2824

SUBJECT : Request for Certificate of Correction on Patent No.: 7,382,652

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:

Approved, VLE RTE 11/4/08

5/11/09

RICHARD T. ELMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

AU 2824

/RICHARD ELMS/
Supervisory Patent Examiner.Art Unit 2824
11/4/08

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OCT 14 2008

OFFICE OF PETITIONS

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

In re Application of :
Yushen Bai :
Application No. 11/564,901 : DECISION ON PETITION
Filed: November 30, 2006 : TO WITHDRAW
Attorney Docket No. 9363-5 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 21, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Myers, Bigel, Sibley & Sajovec has been revoked by the assignee of the patent application on April 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 undersigned at 571-272-1642.

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

cc: PETER C. MEI
BINGHAM MCCUTCHEN, LLP
1900 UNIVERSITY AVENUE
EAST PALO ALTO, CA 94303-2223

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

Myers Bigel Sibley & Sajovec
P.O. Box 37427
Raleigh, NC 27627

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JUL 23 2008

In re Application of	:	
Quan Li, et al.	:	
Application No. 11/564,903	:	DECISION ON PETITION
Filed: November 30, 2006	:	TO WITHDRAW
Attorney Docket No. 7059702001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 21, 2008.

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

A review of the file record indicates that the power of attorney to Myers Bigel Sibley & Sajovec has been revoked by the assignee of the patent application on April 3, 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: **Mindray c/o Bringham McCutchen LLP**
Three Embarcadero Center
San Francisco, CA 94111-4067

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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Mindray c/o Vista IP Law Group LLP
1885 Lundy Avenue
Suite 108
San Jose, CA 95131

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JAN 06 2009

OFFICE OF PETITIONS

In re Application of Li et al. :
Application No. 11/564,903 :
Filing Date: November 30, 2006 :
Attorney Docket No. 7059702001 :

Decision Dismissing Petition
Under 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed August 20, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional Application No.11/317,559, filed December 22, 2005.

The petition is **DISMISSED**.

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

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

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/xxx,xxx, filed January 2, 2009." The amendment filed by petitioner seeks to add the following language: "This application claims the benefit of U.S. Patent Application Serial Number 11/317,559." However, such language does not comply with 37 CFR 1.78(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing

date of the parent nonprovisional application. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications. For the preceding reasons, the amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

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

Before the petition can be granted, petitioner must submit a substitute amendment in compliance with the aforementioned rules, along with a renewed petition under 37 CFR 1.78(a)(3).[1]

The petition fee of $1,410 has been charged to petitioner's deposit account.

Unless filed by EFS Web, further correspondence with respect to this matter should be addressed as follows:

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

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

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

[1] The claim for priority may also be made in an Application Data Sheet in compliance with 37 CFR 1.121 and 37 CFR 1.76(b)(5).

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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of :
I Lu, et al. :
Application No. 11/564,910 : DECISION ON PETITION
Filed: November 30, 2006 : TO WITHDRAW
Attorney Docket No. 9363-7 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 21, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Myers, Bigel, Sibley & Sajovec has been revoked by the assignee of the patent application on March 5, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: KORY D. CHRISTENSEN
STOEL RIVES, LLP
201 S. MAIN STREET
SUITE 1100
SALT LAKE CITY, UT 84111

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.
11/564,916	11/30/2006	Hiroshi MORI	1232-6009	3339

7590 04/28/2008

MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER	
COLES, EDWARD L	

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
04/28/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 05/01/2008 NFARMER
11/30/2006 INTEFSW 00001246 134500 11564916
02 FC:1111 500.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

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INTELLECTUAL PROPERTY MANAGEMENT
BOEING MANAGEMENT COMPANY
P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

Applicant	: Chang W. Choi	: DECISION ON REQUEST FOR
Patent Number	: 7602337	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/564,928	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **321** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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INGRASSIA FISHER
& LORENZ, P.C.
7010 E. COCHISE ROAD
SCOTTSDALE AZ 85253

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DEC 11 2009

OFFICE OF PETITIONS

In re Application of :
Wu, et al. :
Application No. 11/564,929 : DECISION
Filed: 30 November, 2006 :
Attorney Docket No. 034.0018US :

This is a decision on the petition filed on 4 September, 2009, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay .

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

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 6 May, 2009, with reply due under a non-extendable deadline on or before 6 August, 2009.

The application went abandoned by operation of law after midnight 6 August, 2009.

The Office mailed the Notice of Abandonment on 2 September, 2009.

On 4 September, 2009, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), a reply in the form of fees due and made the statement of unintentional delay.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[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 under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Publication Branch to be processed into a patent 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 Publications Branch in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the Publications Branch 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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INGRASSIA FISHER & LORENZ, P.C.
7010 E. COCHISE ROAD
SCOTTSDALE, AZ 85253

Mail Date: 04/20/2010

Applicant	: Chih-Huang WU	: DECISION ON REQUEST FOR
Patent Number	: 7659163	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/564,929	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **258** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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HANES & SCHUTZ, LLC
102 SOUTH TEJON ST.
SUITE 800
COLORADO SPRINGS, CO 80903

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APR 15 2009

OFFICE OF PETITIONS

In re Application of
Alan D. Devilbiss
Application No. 11/564,932
Filed: November 30, 2006
Attorney Docket No. 1424.1012

ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before January 17, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed October 17, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 18, 2009. A Notice of Abandonment was mailed on February 10, 2009. On February 19, 2009, 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 the $755 issue fee and $300 publication fee; (2) the petition fee of $810; 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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P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

Applicant	: Doan D. Pham	: DECISION ON REQUEST FOR
Patent Number	: 7635106	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/564,964	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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 PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/20/2010

Applicant	: Glen Anthony Ames	: DECISION ON REQUEST FOR
Patent Number	: 7599945	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/564,995	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **193** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Mail Date: 04/20/2010

Applicant	: Joel A. Getschel	: DECISION ON REQUEST FOR
Patent Number	: 7622064	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,002	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **427** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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VMWARE, INC.
DARRYL SMITH
3401 Hillview Ave.
PALO ALTO, CA 94304

Mail Date: 04/20/2010

Applicant	: Walter Andrew Lambeth	: DECISION ON REQUEST FOR
Patent Number	: 7657659	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,029	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **472** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

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OFFICE OF PETITIONS

In re Application of :
Gerhard Kruger :
Application No. 11/565,053 : DECISION ON PETITION
Filed: November 30, 2006 :
Attorney Docket No. CTSD 0121 PUSA :

This is a decision on the petition under 37 CFR 1.182, filed, October 4, 2007, to correct the spelling of the inventor from "Gerhard Kruger" to – Gerhard Krueger --.

The petition is **DISMISSED**.

The $400 fee for the petition under 37 CFR 1.182 has not been received. The petition can not be granted until the $400 petition fee is received.

Any questions concerning this matter may be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petition Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/565,108	11/30/2006	TSUYOSHI TAKEGAMI	03500.124277.	3652

5514 7590 09/21/2009

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
SANTIAGO, MARICELI	

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
09/21/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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FITZPATRICK CELLA HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK, NY 10104-3800
UNITED STATES

In re Application of
Tsuyoshi TAKEGAMI
Application No.: 11/565,108
Filed: 30 November 2006
Attorney Docket No.: 03500.124277.
For: METHOD OF FABRICATING ELECTRON-EMITTING DEVICE AND METHOD OF FABRICATING IMAGE DISPLAY APPARATUS AS WELL AS ELECTRON SOURCE THEREWITH

: 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 16 July 2009, 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 JPO, 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 JPO, 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 JPO, 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 JPO application(s);
   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 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;
   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).

This request to participate in the PPH program and petition is assessed as follows:

Requirements 1, 2, 4, 5, 6, and 7 above are considered to have been met.
However, the request to participate in the PPH program fails to meet requirement 3.

Regarding requirement 3, Petitioner has not amended the claims of the U.S. application to sufficiently correspond to the allowable/patentable claims of the Japanese Patent No. 4143665.

Claim 1 of the U.S. application recites an additional step of "preparing a film" in line 3 while corresponding claim 1 of the stated Japanese Patent omits it and the difference thereof differs in scope. Claim 4 of the U.S. application recites "wherein said first particles and said second particles are nonhomogeneously mixed" in lines 2-3 while corresponding claim 4 of the stated Japanese Patent recites "wherein said first particles and said second particles are nonhomogeneously mixed in the film" in lines 2-4 and the difference thereof differs in scope. Claim 8 of the U.S. application recites an additional step of "preparing a film" in line 3 while corresponding claim 2 of the stated Japanese Patent omits it and the difference thereof differs in scope. Claim 11 of the U.S. application recites "wherein said first particles and said second particles are nonhomogeneously mixed" in lines 2-3 while corresponding claim 4 of the stated Japanese Patent recites "wherein said first particles and said second particles are nonhomogeneously mixed in the film" in lines 2-4 and the difference thereof differs in scope.

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 Darren Schuberg at (571) 272- 2044.

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.

Darren Schuberg
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.
11/565,108	11/30/2006	TSUYOSHI TAKEGAMI	03500.124277.	3652

5514 7590 11/13/2009

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
SANTIAGO, MARICELI	
ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
11/13/2009	PAPER

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

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

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FITZPATRICK CELLA HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK, NY 10104-3800
UNITED STATES

In re Application of
Tsuyoshi TAKEGAMI
Application No.: 11/565,108
Filed: 30 November 2006
Attorney Docket No.: 03500.124277
For: METHOD OF FABRICATING ELECTRON-EMITTING DEVICE AND METHOD OF FABRICATING IMAGE DISPLAY APPARATUS AS WELL AS ELECTRON SOURCE THEREWITH

: 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 2nd request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 21 October 2009, 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 JPO, 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 JPO, 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 JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. 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 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).

This request to participate in the PPH program and petition is assessed as follows:

In light of applicant's preliminary amendment filed 10/21/09, conditions 1-7 are now considered to have been met. Therefore, 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 Darren Schuberg at 571 272 2044.

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.

Darren Schuberg
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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REINHART BOERNER VAN DEUREN P.C.
2215 PERRYGREEN WAY
ROCKFORD, IL 61107

Mail Date: 04/20/2010

Applicant	: Marlene N. Krauth	: DECISION ON REQUEST FOR
Patent Number	: 7614519	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,114	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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BANNER & WITCOFF, LTD.
ATTORNEYS FOR CLIENT NO. 016689
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

Mail Date: 04/21/2010

Applicant	: Masatoshi KADOTA	: DECISION ON REQUEST FOR
Patent Number	: 7644104	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,122	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **389** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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BANNER & WITCOFF, LTD.
ATTORNEYS FOR CLIENT NO. 016689
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

Mail Date: 05/18/2010

Applicant : Masatoshi KADOTA
Patent Number : 7644104
Issue Date : 01/05/2010
Application No: 11/565,122
Filed : 11/30/2006

: 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 **436** 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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GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

Mail Date: 04/21/2010

Applicant	: Allen B. Kantrowitz	: DECISION ON REQUEST FOR
Patent Number	: 7636032	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,129	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **411** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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BROOKS KUSHMAN P.C. / LEAR CORPORATION
1000 TOWN CENTER, TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075-1238

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FEB 2 7 2009

OFFICE OF PETITIONS

In re Application of :
Robert **WAHLS, et al.** :
Application No. 11/565,130 : DECISION GRANTING PETITION
Filed: November 30, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **LEAR 43175 PUS1** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 25, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 29, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 3636 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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BARNES & THORNBURG LLP (Roche)
11 SOUTH MERIDAN STREET
INDIANAPOLIS, IN 46204

Mail Date: 04/20/2010

Applicant	: Karl Werner	: DECISION ON REQUEST FOR
Patent Number	: 7658091	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,149	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **275** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/15/09

TO SPE OF : ART UNIT 2827

SUBJECT : Request for Certificate of Correction for Appl. No.: 11565170 Patent No.: 7511996 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 9D40-D
Palm Location 7580

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

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

_____

_____

_____

_____

7/15/09

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MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MINNEAPOLIS, MN 55432-9924

Mail Date: 04/20/2010

Applicant	: H. Toby Markowitz	: DECISION ON REQUEST FOR
Patent Number	: 7647105	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,188	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **306** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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General Electric Company
GE Global Patent Operation
PO Box 861
2 Corporate Drive, Suite 648
Shelton, CT 06484

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OFFICE OF PETITIONS

In re Application of Krellner :
Application No. 11/565,202 : Decision on Petition
Filing Date: November 30, 2006 :
Attorney Docket No. 213297 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 5, 2009, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action issued March 10, 2008, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on June 11, 2008. A Notice of Abandonment was issued on October 8, 2008.

The instant petition requests revival of the application.

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

(1) the reply required to the outstanding Office action or notice, unless previously filed,
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

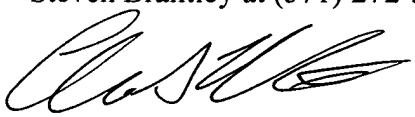
Petitioner has submitted a reply to the Office action in the form of an amendment. Petitioner has submitted the required petition fee of $1,620. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

A payment of $1,110 for a three-month extension of time was submitted with the petition. However, payment for an extension of time is unnecessary when reviving an application. Therefore, the Office has credited the $1,110 back to petitioner's deposit account.

Technology Center Art Unit 2884 will be informed of the instant decision and the application will be further examined in due course.

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



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Ryan, Mason & Lewis, LLP
Suite 205
1300 Post Road
Fairfield CT 06824

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AUG 27 2007

OFFICE OF PETITIONS

In re Application of :
Bohannon and Flaster :
Application No. 11/565,213 :
Filed: November 30, 2006 :
Attorney Docket No. Bohannon 22-7 :
For: Methods and Apparatus for User-Guided :
Inference of Regular Expression for :
Information Extraction :

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

This is a decision on the petition under 37 CFR 1.47(a), filed March 16, 2007..

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fee is required for the request. 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 current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

(1) proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refused to sign the declaration after having been presented with the application papers (specification, claims, and drawings),
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the fee of $200 as specified in 37 CFR 1.17(g), and
(4) the last known address of the non-signing inventor(s).

The instant petition fails to satisfy item (2) above. Specifically, a portion of the declaration appears to be missing. The first page of the declaration ends with the phrase, "All written communications are to be addressed to:". The Office is unable to find a page with the correspondence address and further declaration information among the papers filed March 16, 2007. A full and complete copy of the declaration should be filed.

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

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

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

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Fairfield, CT 06824

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JAN 0 3 2008

OFFICE OF PETITIONS

In re Application of :
Bohannon and Flaster :
Application No. 11/565,213 :
Filed: November 30, 2006 :
Attorney Docket No. Bohannon 22-7 :
For: Methods and Apparatus for User-Guided :
Inference of Regular Expression for :
Information Extraction :

Decision According Status
Under 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed September 14, 2007.

The petition is **granted**.

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

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

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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INTEGRAL INTELLECTUAL PROPERTY INC.
1370 DON MILLS ROAD, SUITE 300
TORONTO ON M3B 3N7 CA CANADA

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OCT 05 2007

OFFICE OF PETITIONS

In re Application of :
Van Vliet, Campbell and Chambers : DECISION ACCORDING STATUS
Application No. 11/565,240 : UNDER 37 CFR 1.47(a)
Filed: 11/30/2006 :
Attorney Docket No. XOGN001-15US :
Title: TREATMENT OF A WASTE STREAM :
THROUGH PRODUCTION AND :
UTILIZATION OF OXYHYDROGEN GAS :

This is in response to the petition under 37 CFR 1.47(a), filed May 14, 2007. Petitioners obtained an extension of time for response in the second month. Accordingly, the petition is filed timely.

The petition is **GRANTED.**

Petitioners showed that after diligent efforts they could not locate the non-signing inventor to join in the filing of the above-identified application.

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

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

This application is being referred to the Office of Initial Patent Examination for further processing.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Stephen Barrie Chambers
9 Ninian Drive
Shetland Islands, UK

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OCT 05 2007

OFFICE OF PETITIONS

In re Application of
Van Vliet, Campbell and Chambers
Application No. 11/565,240
Filed: 11/30/2006
Attorney Docket No. XOGN001-15US
Title: TREATMENT OF A WASTE STREAM THROUGH PRODUCTION AND UTILIZATION OF OXYHYDROGEN GAS

LETTER

Dear Mr. Chambers:

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 T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: INTEGRAL INTELLECTUAL PROPERTY INC.
1370 DON MILLS ROAD, SUITE 300
TORONTO ON M3B 3N7 CA CANADA

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PATTERSON & SHERIDAN, LLP - - APPM/TX
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON, TX 77056

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JUL 3 1 2008

In re Application of	:	
Ajay Kumar	:	
Application No. 11/565,271	:	DECISION ON PETITION
Filed: November 30, 2006	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.	:	
010365C1/MASK/MASK-ETCH	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 7, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Keith P. Taboada appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If Mr. Taboada 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 the address given in the petition. Nevertheless, all future correspondence will be directed to the address of record.

The Office acknowledges that the status of Application No. 11/238,424, i.e. if it is patented or abandoned, was not included in the specification filed with the instant petition.

Since all of the above requirements have 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.

This application is being forwarded to Technology Center Art Unit 1795, for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

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

Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

cc: Keith P. Taboada
Patterson & Sheridan, LLP
595 Shrewsbury Avenue
Suite 100
Shrewsbury, NJ 07702

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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
11/565,271	11/30/2006	1795	1000	010365C1/MASK/MASK-ETCH	20	3

CONFIRMATION NO. 3909

44257
PATTERSON & SHERIDAN, LLP - - APPM/TX
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON, TX 77056

CORRECTED FILING RECEIPT

Date Mailed: 07/30/2008

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)

Ajay Kumar, Cupertino, CA;

Power of Attorney:

Robert Mulcahy--25436
Peter Sgarbossa--25610
Keith Tackett--32008
James Wilson--35412
Raymond Kwong--37165
Barden Patterson--37906
Chang Kim--42727
Anca Gheorghiu--44120
Oren Reches--53506

Domestic Priority data as claimed by applicant

This application is a CON of 11/238,424 09/28/2005 PAT 7,375,038

Foreign Applications

If Required, Foreign Filing License Granted: 01/16/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/565,271**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD FOR PHOTOMASK FABRICATION UTILIZING A CARBON HARD MASK

Preliminary Class

430

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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GIFFORD, KRASS, SPRINKLE,
ANDERSON & CITKOWSKI, P.C.
P.O. BOX 7021
TROY, MI 48007-7021

Mail Date: 04/21/2010

Applicant	: Sean A. Wright	: DECISION ON REQUEST FOR
Patent Number	: 7628421	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,278	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **252** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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GIFFORD, KRASS, SPRINKLE,
ANDERSON & CITKOWSKI, P.C.
P.O. BOX 7021
TROY, MI 48007-7021

Mail Date: 05/18/2010

Applicant : Sean A. Wright
Patent Number : 7628421
Issue Date : 12/08/2009
Application No: 11/565,278
Filed : 11/30/2006

: 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 **294** 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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Perman & Green
425 Post Road
Fairfield CT 06430-6232

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AUG 12 2008

OFFICE OF PETITIONS

In re Application of :
Stephen Williams :
Application No. 11/565314 : DECISION ON PETITION
Filing or 371(c) Date: 11/30/2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 684-009255-US(C01) :

This is a decision on the "Petition to Accept Unintentionally Delayed Benefit Claim (37 C.F.R. § 1.78(a)(3))," filed June 2, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

As to item (1), the reference to add the above-noted, prior-filed application on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed application(s). An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35

U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

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

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

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

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

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

Any questions concerning this matter may be directed to Attorney Derek Woods at (571) 272-3232.

Anthony Knight
Supervisor
Office of Petitions

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Perman & Green
425 Post Road
Fairfield CT 06430-6232

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DEC 09 2008

In re Application of	:	
Stephen Williams	:	
Application No. 11/565314	:	DECISION ON PETITION
Filing or 371(c) Date: 11/30/2006	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 684-009255-US(C01)	:	

This is a decision on the "Renewed Petition to Accept Unintentionally Delayed Benefit Claim (37 C.F.R. § 1.78(a)(3))," filed August 14, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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

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

The renewed petition does not satisfy item (1) above.

As to item (1), the reference to add the above-noted, prior-filed application on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed application(s). An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35

U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Applicant has filed an amendment with the present renewed petition and included an improper incorporation by reference statement. Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and/or 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
Director 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 Attorney Derek Woods at (571) 272-3232.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Perman & Green
425 Post Road
Fairfield CT 06430-6232

MAILED

FEB 17 2009

OFFICE OF PETITIONS

In re Application of :
Stephen Williams :
Application No. 11/565314 : DECISION ON PETITION
Filing or 371(c) Date: 11/30/2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 684-009255-US(C01) :

This is a decision on the renewed petition to accept an unintentionally delayed claim to priority under 37 C.F.R. § 1.78(a)(3), filed December 16, 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 2173 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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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	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/565,314	11/30/2006	2173	1530	684-009255-US(C01)	10	5

CONFIRMATION NO. 3974

CORRECTED FILING RECEIPT

Perman & Green
425 Post Road
Fairfield, CT 06430-6232

Date Mailed: 02/05/2009

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)

Stephen Williams, Coppell, TX;

Power of Attorney:

John Goodwin--20050
Albert Hilburger--20987
Thomas Dowd--24586
Clarence Green--24622
Ralph Gelling--24689
Mark Harrington--31686

Domestic Priority data as claimed by applicant

This application is a CON of 09/507,945 02/22/2000 PAT 7,155,683

Foreign Applications

UNITED KINGDOM 9904013.1 02/22/1999

If Required, Foreign Filing License Granted: 01/12/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/565,314**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Communication Terminal Having A Predictive Editor Application

Preliminary Class

715

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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ALEXANDRIA, VA 22314

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JAN 1 1 2008

OFFICE OF PETITIONS

In re Application of Kawakami et al. :
Application No. 11/565,325 : Decision on Petition
Filing Date: November 30, 2006 :
Attorney Docket No. 299177US8DIV :

This is a decision in response to the letter filed December 28, 2007, which is being treated as a petition under 37 CFR 1.182 requesting the Office disregard the "Petition for Express Abandonment to Obtain a Refund" filed December 13, 2007.

The petition is **granted**.

An applicant may obtain a refund of the search fee and excess claim fees if one files a declaration of express abandonment by way of petition under 37 CFR 1.138(d) prior to examination of the application.

Petitioner filed a "Petition for Express Abandonment to Obtain a Refund" on December 13, 2007.

Petitioner requests the Office disregard the December 13, 2007 letter.

A petition under 37 CFR 1.182 to withdraw a letter of abandonment will generally be granted if the letter has not yet become effective.

MPEP 711.01 states,

> A letter of abandonment properly signed becomes effective when an appropriate official of the Office takes action thereon. When so recognized, the date of abandonment may be the date of recognition or a later date if so specified in the letter itself.....
>
> Action in recognition of an express abandonment may take the form of an acknowledgment by the Publishing Division of the receipt of the express abandonment, indicating that it is in compliance with 37 CFR 1.138....
>
> When a letter expressly abandoning an application (not in issue) is received, the Office should acknowledge receipt thereof, and indicate whether it does or does not comply with the requirements of 37 CFR 1.138....

> If the letter expressly abandoning the application does comply with 37 CFR 1.138, the Office personnel should respond by using a "Notice of Abandonment" form PTO-1432, and by checking the appropriate box(es). If such a letter does not comply with the requirements of 37 CFR 1.138, a fully explanatory letter should be sent.....

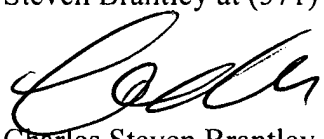
The letter of abandonment does not appear to have become effective. The Office has not mailed any paper indicating the letter has been accepted or indicating the letter complies with the requirements of 37 CFR 1.138(d). The Office has not mailed a Notice of Abandonment. Office records fail to indicate any steps have been taken any steps to refund the search fee or examination fee.

Since the letter of abandonment has not become effective, the petition is granted.

Federal regulations do not provide for the situation where one wishes to withdraw a letter of abandonment. As a result, the request filed December 28, 2007, has been treated as a petition under 37 CFR 1.182. The required petition fee for a petition under 37 CFR 1.182 is $400. Therefore, $400 has been charged to petitioner's deposit account.

Technology Center Art Unit 2627 will be informed of the instant decision in order to ensure a Notice of Abandonment is not accidentally, and incorrectly, mailed.

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



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/565,325	11/30/2006	Takashi Kawakami	299177US8 DIV	3993

22850 7590 02/01/2008

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

EXAMINER	
KOONTZ, TAMMY J	

ART UNIT	PAPER NUMBER
3974	

NOTIFICATION DATE	DELIVERY MODE
02/01/2008	ELECTRONIC

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

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

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

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/565,325	11/30/2006	Takashi Kawakami	299177US8 DIV	3993

7590 02/01/2008

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

EXAMINER	
KOONTZ, TAMMY J	

ART UNIT	PAPER NUMBER
3974	

NOTIFICATION DATE	DELIVERY MODE
02/01/2008	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.

Ricardo Clemons
Patent Publication Branch
Office of Data Management

Refund Ref:
01/31/2008 0030049948

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1005

Notice of Abandonment	Application No.	Applicant(s)	
	11/565,325	KAWAKAMI 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.

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OFFICE OF PETITIONS

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

In re Application of Kawakami et al. :
Application No. 11/565,325 : Decision on Petition
Filing Date: November 30, 2006 :
Attorney Docket No. 299177US8DIV :

This is a decision is response to the petition to withdraw the holding of abandonment filed February 13, 2008.

The petition is **granted**.

Petitioner filed a "Petition for Express Abandonment to Obtain a Refund" on December 13, 2007.

On December 28, 2007, petitioner filed a petition to disregard the "Petition for Express Abandonment to Obtain a Refund."

A decision granting the December 28, 2007 petition was issued January 11, 2008.

On February 1, 2008, the Office incorrectly issued a decision granting the December 13, 2007 petition. As a result, the Office held the application abandoned and credited $500 back to a credit card.

Since the Office had granted the petition to disregard the December 28, 2007 petition, the decision issued February 1, 2008, was clearly erroneous and is vacated.

The Notice of Abandonment issued February 1, 2008, is hereby vacated and the holding of abandonment withdrawn.

A fee is not required for consideration of a petition to withdraw the holding of abandonment. However, a fee must be charged to petitioner's deposit account because the Office incorrectly refunded $500. Therefore, $500 has been charged to petitioner's deposit account.

Technology Center Art Unit 2627 will be informed of the instant decision and the application will be examined in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/565,325	11/30/2006	Takashi Kawakami	299177US8 DIV	3993

7590 08/24/2009

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

EXAMINER	
FEILD, JOSEPH H	

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
08/24/2009	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: 08/21/2009 NFARMER
03713/2008 CKHLOK 00000003 150030 11565325
01 FC:1111 500.00 CR

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Microsoft Corporation
One Microsoft Way
Redmond, WA 98052

Mail Date: 04/21/2010

Applicant	: Michael A. Toelle	: DECISION ON REQUEST FOR
Patent Number	: 7659901	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,326	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **567** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

Mail Date: 04/20/2010

Applicant	: Max F. Rothschild	: DECISION ON REQUEST FOR
Patent Number	: 7625703	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,337	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **429** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

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JUN 20 2008

OFFICE OF PETITIONS

In re Application of
Vaisanen et al.
Application No. 11/565,339
Filed: November 30, 2006
Attorney Docket No. 1060-010346-US (C01)

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed May 28, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional Application No. 09/856,746, filed May 24, 2001.

The petition is **DISMISSED**.

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

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

The instant petition does not comply with item (1) above.

The amendment submitted concurrently with the instant petition as drafted is unacceptable and, therefore, is not considered a proper reference under 36 CFR 1.78(a)(2)(i). In this regard, the amendment is physically part of the instant 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 CF 1.4(c) states that each distinct subject, inquiry or order must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

In view of the above, the amendment to add a priority claim to the first line of the specification, which is physically embedded in the instant petition, is not acceptable. Accordingly, a substitute amendment in compliance with the aforementioned rules, along with a renewed petition under 37 CFR 1.78(a)(3), must be submitted. 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 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

BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

COPY MAILED

JUL 18 2008

In re Application of	:	
Vaisanen et al.	:	
Application No. 11/565,339	:	DECISION GRANTING PETITION
Filed: November 30, 2006	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 1060-010346-US (C01)	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed July 1, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 09/856,746, filed May 24, 2001, as set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

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

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

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the above-noted, prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

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

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) 272-3282.

This matter is being referring to Technology Center Art Unit 2621 for appropriate action on the amendment filed July 1, 2008, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/565,339	11/30/2006	2621	1480	1060-010346-US (C01)	23	4

CONFIRMATION NO. 4023

CORRECTED FILING RECEIPT

22907
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

Date Mailed: 07/17/2008

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)

Risto Vaisanen, Salo, FINLAND;
Kim Kaltiokallio, Salo, FINLAND;

Power of Attorney: The patent practitioners associated with Customer Number 22907

Domestic Priority data as claimed by applicant

This application is a CON of 09/856,746 05/24/2001

Foreign Applications

FINLAND 982559 11/26/1998
FINLAND PCT/FI99/00974 11/25/1999

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 11/565,339**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD AND ARRANGEMENT FOR TRANSMITTING AND RECIEVING RF SIGNALS THROUGH VARIOUS RADIO INTERFACES OF COMMUNICATION SYSTEMS

Preliminary Class

386

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/565,366	11/30/2006	Andrew J. Ouderkirk	51474US013	4066

7590 10/22/2007

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER	
CHEN, VIVIAN	

ART UNIT	PAPER NUMBER
1794	

NOTIFICATION DATE	DELIVERY MODE
10/22/2007	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

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

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

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

4. ☒ Petition fee was not paid.

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

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

Patent Publication Branch
Office of Data Management

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JUN 13 2007

OFFICE OF PETITIONS

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

In re Application of
POLLACK, Robert H.
Application No. 11/565,378
Filed: November 30, 2006
Attorney Docket No. **GELL-0003**

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 21, 2007.

The request is **NOT APPROVED** 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 May 11, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **PETER M. ULLMAN LLC**
PO BOX 6764
LAWRENCEVILLE NJ 08648-0764

UNITED STATES PATENT AND TRADEMARK OFFICE

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PETER M. ULLMAN LLC
PO BOX 6764
LAWRENCEVILLE NJ 08648-0764

MAILED

AUG 17 2009

OFFICE OF PETITIONS

In re Application of :
POLLACK, Robert H. :
Application No. 11/565,378 : DECISION ON PETITION
Filed: November 30, 2006 : TO WITHDRAW
Attorney Docket No. **GELL-0003** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 07, 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 Peter M. Ullman on behalf of all attorneys of record who are associated with customer No. 68685. 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 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.

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.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ROBERT H. POLLACK**
30 WEST CARPENTER LANE
PHILADELPHIA, PA 19119

cc: **ACCENTURE GLOBAL SERVICEWS GMBH**
c/o ACCENTURE LEGAL GROUP INTELLECTUAL PROPERTY
11951 FREEDOM DRIVE
RESTON, VA 20190

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	: Ruchi Wadhawan	: DECISION ON REQUEST FOR
Patent Number	: 7624235	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,391	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **454** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MHKKG, PC/Apple, Inc.
P.O. Box 398
Austin, TX 78767-0398

Mail Date: 05/17/2010

Applicant : Ruchi Wadhawan
Patent Number : 7624235
Issue Date : 11/24/2009
Application No: 11/565,391
Filed : 11/30/2006

: 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 **493** 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.
11/565,394	11/30/2006	Bruno Bassi	5910	4121

7590 02/22/2008

SHOEMAKER AND MATTARE, LTD
10 POST OFFICE ROAD - SUITE 110
SILVER SPRING, MD 20910

EXAMINER	
LIN, KUANG Y	

ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
02/22/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

02 FC:2111 250.00 CR

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/565,401	11/30/2006	Takayuki KUWAHARA	130411	4131

7590 11/20/2009

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
PERRY, ANTHONY T	

ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
11/20/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

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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Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Mail Date: 04/21/2010

Applicant	: Takuma IIDA	: DECISION ON REQUEST FOR
Patent Number	: 7629770	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,423	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **287** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Alexandria, Virginia 22313-1450
www.uspto.gov

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

Mail Date: 04/21/2010

Applicant	: Yoshiyuki Asabe	: DECISION ON REQUEST FOR
Patent Number	: 7633082	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,428	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **469** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

KLEIN, O''Neill & SINGH, LLP
18200 Von Karman Avenue
Suite 725
IRVINE, CA 92612

Mail Date: 05/05/2010

Applicant	: Ian G. Colloff	: DECISION ON REQUEST FOR
Patent Number	: 7643505	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/565,444	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **385** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

MAILED

JUL 21 2010

OFFICE OF PETITIONS

In re Application of :
Severine Catreux-Erceg et al :
Application No. 11/565,448 : ON PETITION
Filed: November 30, 2006 :
Attorney Docket No. 18010US01

This is a decision on the petition, filed July 20, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 1, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2611 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

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

OIPE MAR 16 2007 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of **SALAMONE** et al.

Application No.: **11/565,453** Examiner: **unknown**

Date Filed: **November 30, 2006** Group: **1775**

For: CONFORMABLE BANDAGE AND COATING MATERIAL

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(c)

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

Sir:

Pursuant to 37 CFR §1.102 and MPEP 708.02, paragraph IV, Applicants hereby petition to make special for an advancement of examination the above-described United States Patent Application which is filed along with this petition. Pursuant to 37 C.F.R. §1.102(c) no statutory fee is required for this Petition. However, the Commissioner is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees paid on the filing, or during prosecution of this application to Deposit Account No. 50-0951.

In accordance with the provisions of 37 CFR §1.102(c) and MPEP 708.02, paragraph IV, entitled "APPLICANTS AGE" Applicants respectfully request advancement of examination for the above-described United States Patent Application which is filed along with this petition. One of the named inventors, Inventor Joseph C. Salamone, was born on December 27, 1939. Accordingly, the age of Applicant Joseph C. Salamone is currently 67, which fulfills the statutory requirement under 37 CFR §1.102(c) for an applicant to be 65 years of age or older.

03/19/2007 RFEKABU1 00000012 500951 11565453 V
01 FC:2463 130.00 DA

PETITION GRANTED

 Certified Mail 7004 1350 0004

William Krynski
Special Program Examiner
Technology Center 1700
APR - 2 2007

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P.O. Box 1450
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MAY 18 2010

OFFICE OF PETITIONS

HONEYWELL/CST
PATENT SERVICES
101 COLUMBIA ROAD
PO BOX 2245
MORRISTOWN NJ 07962-2245

In re Application of :
Schultz :
Application No. 11/565,458 : ON PETITION
Filed: November 30, 2006 :
Attorney Docket No. H0008485CIP1

This is a decision on the petition to revive under 37 CFR 1.137(b), filed February 22, 2010.

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 October 20, 2009. This Notice set a statutory period for reply of three months. No issue fee having been received, the application became abandoned on January 21, 2010. The Office mailed a Notice of Abandonment on February 5, 2010.

With the instant petition, petitioner paid the petition fee, made a 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Heller Ehrman, LLP
4350 La Jolla Village Drive, 7th Floor
San Diego, CA 92122

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JAN 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Aaron Feaver et al.	:	
Application No. 11/565,463	:	DECISION ON PETITION
Filed: November 30, 2006	:	TO WITHDRAW
Attorney Docket No. 41523-0005	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed November 20, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Leslie B. Overman does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the 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: Cooley Godward Kronish, LLP
Attn: Patent Group
Suite 1100
777 – 6th Street, NW
Washington, DC 20001

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JUL 19 2010

OFFICE OF PETITIONS

COOLEY LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

In re Application of	:	
Aaron Feaver et al.	:	
Application No. 11/565,463	:	DECISION ON PETITION
Filed: November 30, 2006	:	TO WITHDRAW
Attorney Docket No. ENEG-005/01US 310647-2016	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 6, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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CIENA CORPORATION
1201 WINTERSON ROAD
LINTHICUM, MD 21090

Mail Date: 04/21/2010

Applicant	: Kelly Donald Fromm	: DECISION ON REQUEST FOR
Patent Number	: 7653057	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,466	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **461** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/02/10

TO SPE OF : ART UNIT 2829

SUBJECT : Request for Certificate of Correction for Appl. No 11/565471.: 7612572

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)

Should the change(s) Be made?

RoChaun Johnson
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

_____

_____

_____

_____

Washington — 2829

SPE — **Art Unit**

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HONEYWELL/CST
Patent Services
101 Columbia Road
P.O. Box 2245
Morristown, NJ 07962-2245

Mail Date: 04/20/2010

Applicant	: Jiri Benda	: DECISION ON REQUEST FOR
Patent Number	: 7644731	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,480	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **282** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/565,495	11/30/2006	Vladimir Sadovsky	MS1-3279US	4289

7590 09/05/2008

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER	
BULLOCK JR, LEWIS ALEXANDER	

ART UNIT	PAPER NUMBER
2193	

MAIL DATE	DELIVERY MODE
09/05/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 09/08/2008 BPOWELL
12/01/2006 INTEFSW 00001104 11565495
02 FC:1111 -500.00 OP

Adjustment Date: 09/08/2008 BPOWELL
07/30/2007 INTEFSW 00000666 010885 11829475
02 FC:1111 500.00 CR
05 FC:1202 1000.00 CR
06 FC:1203 360.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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SQUIRE, SANDERS & DEMPSEY LLP
1 MARITIME PLAZA
SUITE 300
SAN FRANCISCO, CA 94111

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MAR 25 2008

OFFICE OF PETITIONS

In re Application of :
Karl Mollison, Angela LeCaptain, Sandra Burke, Keith Cromack, Peter Tarcha, Yen-Chih Chen and John Toner :
Application No. 11/565,507 :
Filed: November 30, 2006 :
Attorney Docket No. 16497.74.1 :

DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed March 4, 2008.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor LeCaptain 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) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Angela M. LeCaptain
6708 235th Avenue
Paddock Lake, Wisconsin

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MAR 25 2008

OFFICE OF PETITIONS

In re Application of
Karl Mollison, Angela LeCaptain, Sandra Burke,
Keith Cromack, Peter Tarcha, Yen-Chih Chen
and John Toner
Application No. 11/565,507
Filed: November 30, 2006
Attorney Docket No. 16497.74.1

Dear Ms. LeCaptain:

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) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant
Petitions Attorney
Office of Petitions

cc: SQUIRE, SANDERS & DEMPSEY LLP
1 MARITIME PLAZA
SUITE 300
SAN FRANCISCO, CA 94111
ATTN: Tam Dinh

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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Angela M. LeCaptain
6708 235th Avenue
Paddock Lake, Wisconsin

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MAR 25 2008

OFFICE OF PETITIONS

In re Application of
Karl Mollison, Angela LeCaptain, Sandra Burke,
Keith Cromack, Peter Tarcha, Yen-Chih Chen
and John Toner
Application No. 11/565,507
Filed: November 30, 2006
Attorney Docket No. 16497.74.1

Dear Ms. LeCaptain:

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) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant
Petitions Attorney
Office of Petitions

cc: SQUIRE, SANDERS & DEMPSEY LLP
1 MARITIME PLAZA
SUITE 300
SAN FRANCISCO, CA 94111
ATTN: Tam Dinh

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SQUIRE, SANDERS & DEMPSEY LLP
1 MARITIME PLAZA
SUITE 300
SAN FRANCISCO, CA 94111

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MAR 25 2008

OFFICE OF PETITIONS

In re Application of :
Mollison et al. :
Application No. 11/565,507 : DECISION ON PETITION
Filed: November 30, 2006 :
Attorney Docket No. 16497.74.1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 4, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts which was mailed on January 12, 2007. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on March 13, 2007. A Notice of Abandonment was mailed on September 20, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration and a grantable 37 CFR 1.47 petition, (2) the petition fee of $1540.00, and (3) a proper statement of unintentional delay.

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

This application is being referred to the Office of Patent Application Processing for pre-exam processing in the normal course of business on the reply received

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15th Street, NW
Washington DC 20005

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JAN 31 2008

OFFICE OF PETITIONS

In re Application of	:	
In Kyu Kim	:	
Application No. 11/565,513	:	DECISION ON PETITION
Filed: November 30, 2006	:	TO WITHDRAW
Attorney Docket No. 99999.00001.UTL	:	FROM RECORD
	:	

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 6, 2007.

The request is **NOT APPROVED**.

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

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

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

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Soowan Lee, Esq.**
AIP Patent & Law Offices
Keungil Tower 19F
677-25 Yeoksam-dong
Seoul 135-914

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PAUL, HASTINGS, JANOFSKY & WALKER, LLP
P.O. BOX 919092
SAN DIEGO, CA 92191-9092

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SEP 26 2007

OFFICE OF PETITIONS

In re Application of
In Kyu Kim et al.
Application No. 11/565,519
Filed: November 30, 2006
Attorney Docket No. 99999.00002.UTL1

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 6, 2007.

The request is **NOT APPROVED**.

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

The request cannot be approved because 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.

A courtesy copy of this decision is being mailed to the sole inventor. A courtesy copy is being mailed to the address noted in the request. If the attorneys with this firm desire to receive future communication concerning this application, the proper power of attorney documents should be submitted.

There are no outstanding Office actions at this time.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: In Kyu Kim
5-805 Yeosulin ART
Seongpo-dong
Sangnok-gu, Ansan-si
Gyeonggi-do 426-768
Republic of Korea

cc: Soowan Lee, Esq.
AIP Patent & Law Offices
Keungil Tower 19F, 677-25 Yeoksam-dong
Gangnam-gu
Seoul, Republic of Korea 135-914

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/1/09

TO SPE OF : ART UNIT 2622

SUBJECT : Request for Certificate of Correction for Appl. No.: 11565524 Patent No.: 7515205 B1

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: none

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Sinh Tran/ 2622

SPE Art Unit

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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PCE INDUSTRY, INC.
ATT. Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

Mail Date: 04/21/2010

Applicant	: CHEN-HSING CHENG	: DECISION ON REQUEST FOR
Patent Number	: 7631960	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,526	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **462** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

PAUL, HASTINGS, JANOFSKY & WALKER LLP
P.O. BOX 919092
SAN DIEGO CA 92191-9092

In re Application of :

KIM, In Kyu :
Application No. 11/565,527 : DECISION ON PETITION
Filed: November 30, 2006 : TO WITHDRAW
Attorney Docket No. **99999.00003.UTL1** : FROM RECORD

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

The request is **NOT APPROVED**.

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

The 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: **SOOWAN LEE**
AIP PATENT & LAW OFFICES
KEUNGIL TOWER 19F
677-25 YEOKSAM-DONG
GANGNAM-GU
SEOUL 135-914

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PCE INDUSTRY, INC.
ATT. Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

Mail Date: 04/21/2010

Applicant	: YUAN-CHAO YANG	: DECISION ON REQUEST FOR
Patent Number	: 7635945	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,528	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: 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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SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO, CA 94403

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APR 09 2010

OFFICE OF PETITIONS

In re Application of
Charles L. Nelson, et al.
Application No. 11/565,534
Filed: November 30, 2006
Attorney Docket No. 10176-701.302

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 **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Shay Glenn, LLP has been revoked by the assignee of the patent application on February 18, 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 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: CHARLES L. NELSON
650 LARKFIELD SHOPPING CENTER
SUITE C
SANTA ROSA, CA 95403

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IPLO-INTELLECTUAL PROPERTY LAW OFFICES
C/O ZILKA-KOTAB, PC
P.O. BOX 721120
SAN JOSE, CA 95172-1120

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MAR 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Girish Nair :
Application No. 11/565,536 : DECISION ON PETITION
Filed: November 30, 2006 : TO WITHDRAW
Attorney Docket No. 60676.300102 : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed February 12, 2008.

The request is **APPROVED**.

A review of the file record indicates that Raymond E. Roberts with Intellectual Property Law Offices: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, all attorneys have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The correspondence address has been changed to the first copied address below.

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

There are no outstanding Office actions in this case.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Guy Knighteson McNair
P.O. Box 33172
Los Gatos, CA 95031

cc: Girish Nair
15017 Lynn Avenue
Los Gatos, CA 95032

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/565,536	11/30/2006	Girish NAIR	60676.300102

CONFIRMATION NO. 4353

POWER OF ATTORNEY NOTICE

32112
IPLO-Intellectual Property Law Offices
c/o Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120

Date Mailed: 03/03/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/12/2008.

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

/kainabinet/

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

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

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OFFICE OF PETITIONS

In re Application of
O'NEILL, Brian M. et al.
Application No. 11/565,539
Filed: November 30, 2006
Attorney Docket No. **GELL-0006**

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 21, 2007.

The request is **NOT APPROVED** 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 May 11, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terii Williams
Petitions Examiner
Office of Petitions

cc: **PETER M. ULLMAN LLC**
PO BOX 6764
LAWRENCEVILLE NJ 08648-0764

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PETER M. ULLMAN LLC
PO BOX 6764
LAWRENCEVILLE NJ 08648-0764

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AUG 17 2009

OFFICE OF PETITIONS

In re Application of	:	
O'NEILL, Brian M. et al.	:	
Application No. 11/565,539	:	DECISION ON PETITION
Filed: November 30, 2006	:	TO WITHDRAW
Attorney Docket No. **GELL-0006**	:	FROM RECORD
	:	

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 07, 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 Peter M. Ullman on behalf of all attorneys of record who are associated with customer No. 68685. 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 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.

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.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **BRIAN M. O'NEILL**
1191 RANDY DRIVE
POTTSTOWN, PA 19464

cc: **ACCENTURE GLOBAL SERVICEWS GMBH**
c/o ACCENTURE LEGAL GROUP INTELLECTUAL PROPERTY
11951 FREEDOM DRIVE
RESTON, VA 20190

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Boston Scientific Neuromodulation Corp.
c/o Darby & Darby P.C.
Church Street Station
New York, NY 10008-0770

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OFFICE OF PETITIONS

In re Application of

Jeryle L. Walter
Application No. 11/565,547
Filed: November 30, 2006
Attorney Docket No. 20334/0205648-US0

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed February 15, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Bryant R. Gold and Laura Haburay Bishop does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the 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: Bryant R. Gold
Laura Bishop
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110

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Boston Scientific Neuromodulation Corp.
c/o Frommer Lawrence & Haug LLP
745 Fifth Ave
NEW YORK, NY 10151

Mail Date: 04/21/2010

Applicant	: Jeryle L. Walter	: DECISION ON REQUEST FOR
Patent Number	: 7650184	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,547	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: 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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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

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In re Application of :
Riordan, et al. :
Application No. 11/565,551 :
Filed: November 30, 2006 :
Docket No. 07039-167003 / :
MMV-99-042 :

DECISION ON APPLICATION FOR PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed September 25, 2009. Applicants request that the initial determination of patent term adjustment be corrected from fifty-seven (57) days to one hundred ninety-two (192) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is one hundred ninety-two **(192)** days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On June 29, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 57 days. The instant application for patent term adjustment was timely filed[1]. The specific basis for applicants' assertion that the initial determination of patent term adjustment should be 192 days is that a reduction of 135 days should not have been entered for their March 27, 2007 reply to the January 22, 2007 Notice to File Missing Parts of Nonprovisional Application.

[1] PALM records indicate that the Issue Fee was received on September 25, 2009.

Applicants contend that there was no failure to engage in reasonable efforts to conclude prosecution in connection with the filing of their March 27, 2007 reply. On January 22, 2007, the Office mailed a Notice to File Missing Parts of Nonprovisional Application. On March 27, 2007, applicants filed a response. On March 30, 2007, the Office mailed a Notice of Incomplete Reply. However, on August 21, 2007, the Office mailed a Withdrawal of Previously Sent Notice (withdrawing the March 30, 2007 Notice of Incomplete Reply)and a Notice to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequences. On October 25, 2007, applicants filed a reply to the August 21, 2007 Notice to Comply, which argued that their previous reply of March 27, 2007 was a complete response to the January 22, 2007 Notice to File Missing Parts of Nonprovisional Application and that the August 21, 2007 Notice to Comply was mailed in error. It is noted that the raw sequencing listing was entered on August 31, 2007 and an updated filing receipt was mailed on September 7, 2007.

As the only sequence listing filed in this application was filed on March 27, 2007, and the application was deemed complete, as shown by the mailing of the updated filing receipt on September 7, 2007, it is apparent that the reply to the January 22, 2007 Notice to File Missing Parts of Nonprovisional Application was complete and timely filed within three months of the mail date of the Notice, and the subsequently mailed Notice to Comply was mailed in error. There was no delay within the meaning of 37 CFR 1.704(b). Accordingly, the reduction of 135 days for applicant delay is being removed.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance is one hundred ninety-two **(192)** days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

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

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

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

Day : Wednesday

Date: 3/3/2010
Time: 10:39:30

PALM INTRANET

PTA Calculations for Application: 11/565551			
Application Filing Date:	11/30/2006	PTO Delay (PTO):	252
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	195
Post-Issue Petitions:	0	Total PTA (days):	192
PTO Delay Adjustment:	135		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
79	03/03/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	135		
64	06/29/2009	MAIL NOTICE OF ALLOWANCE			
63	06/25/2009	EMAIL NOTIFICATION			
62	06/25/2009	FILING RECEIPT - CORRECTED			
61	06/23/2009	ISSUE REVISION COMPLETED			
60	06/23/2009	DOCUMENT VERIFICATION			
59	06/23/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
58	06/23/2009	CASE DOCKETED TO EXAMINER IN GAU			
57	06/15/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
56	06/23/2009	EXAMINER'S AMENDMENT COMMUNICATION			
54	06/22/2009	NOTICE OF ALLOWABILITY			
50	04/14/2009	DATE FORWARDED TO EXAMINER			
49	03/09/2009	RESPONSE AFTER NON-FINAL ACTION		60	45
48	03/09/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
47	10/17/2008	MAIL POST CARD			
46	10/09/2008	EMAIL NOTIFICATION			
45	10/08/2008	MAIL NON-FINAL REJECTION	252		-1
44	10/01/2008	NON-FINAL REJECTION			
43	08/31/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
42	01/24/2008	PG-PUB ISSUE NOTIFICATION			
41	11/01/2007	CASE DOCKETED TO EXAMINER IN GAU			
40	09/26/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			

39	08/31/2007	REFERENCE CAPTURE ON IDS			
38	08/31/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
37	03/26/2007	PRELIMINARY AMENDMENT			
36	03/26/2007	SUBSTITUTE SPECIFICATION FILED			
34	02/12/2007	NEW OR ADDITIONAL DRAWING FILED			
33	09/17/2007	APPLICATION DISPATCHED FROM OIPE			
32	09/07/2007	SENT TO CLASSIFICATION CONTRACTOR			
31	09/07/2007	APPLICATION IS NOW COMPLETE			
30	09/04/2007	ADDITIONAL APPLICATION FILING FEES		135	5
29	09/04/2007	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
28	09/04/2007	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
27	08/31/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
26	08/21/2007	SEQUENCE ERRORS			
24	11/30/2006	CLAIM PRELIMINARY AMENDMENT			
23	05/09/2007	ADDITIONAL APPLICATION FILING FEES			
22	05/09/2007	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
21	05/09/2007	APPLICANT HAS SUBMITTED A NEW SPECIFICATION TO CORRECT CORRECTED PAPERS PROBLEMS			
18	05/09/2007	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
15	03/27/2007	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
14	03/27/2007	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
13	11/30/2006	DRAWING PRELIMINARY AMENDMENT			
5	01/22/2007	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
4	01/03/2007	CLEARED BY OIPE CSR			
3	01/03/2007	CASE CLASSIFIED BY OIPE			
2	12/22/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	11/30/2006	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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PCE INDUSTRY, INC.
ATT. Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

Mail Date: 04/21/2010

Applicant	: SHAO-HAN CHANG	: DECISION ON REQUEST FOR
Patent Number	: 7656580	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,557	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **392** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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PCE INDUSTRY, INC.
ATT. Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

Mail Date: 04/21/2010

Applicant	: LIANG LIU	: DECISION ON REQUEST FOR
Patent Number	: 7630041	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,560	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **327** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

In re Application of :
JAAX, et al. :
Application No. 11/565,564 :
Filed: November 30, 2006 :
Attorney Docket No. **17991-065001/06-00217-0** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 19, 2008.

The request is **NOT APPROVED**.

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, "ownership transfer" does not meet any of the conditions set forth in 37 CFR 10.40.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

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Minneapolis, MN 55440-1022

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OFFICE OF PETITIONS

In re Application of	:	
Marianne Linde, et al.	:	
Application No. 11/565,572	:	DECISION ON PETITION
Filed: November 30, 2006	:	TO WITHDRAW
Attorney Docket No. 21477-002001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 6, 2007.

The request is **APPROVED**.

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

The request was signed by J. Scott Denko 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 Marianne Linde 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: **Marianne Linde**
3300 Bee Caves Road
Suite 650, #1155
Austin, TX 78746

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Gregory W. Osterloth
Holland & Hart, LLP
P.O. Box 8749
Denver CO 80201

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FEB 27 2009

OFFICE OF PETITIONS

In re Application of :
Chan, et al. :
Application No. 11/565,616 : ON PETITION
Filed: November 30, 2006 :
Attorney Docket No. Inovys #16 :
For: PROCESS FOR IMPROVING DESIGN LIMITED YIELD BY EFFICIENTLY CAPTURING AND STORING PRODUCTION TEST DATA FOR ANALYSIS USING CHECKSUMS, HASH VALUES, OR DIGITAL FAULT SIGNATURES

This is a decision on the petition under 37 CFR 1.181, filed February 10, 2009, requesting that the Office 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 a Notice to File Missing Parts of Nonprovisional Application purportedly mailed on January 16, 2007. The Office contended that this application became abandoned for failure to reply to January 16, 2007 Notice to File Missing Parts of Nonprovisional Application, as was explained in A Notice of Abandonment, mailed on January 12, 2009.

Petitioner requests withdrawal of the holding of abandonment based on the assertion that no January 16, 2007 Notice to File Missing Parts of Nonprovisional Application was received. The undersigned finds this argument completely convincing, as there is no January 16, 2007 Notice to File Missing Parts of Nonprovisional Application present in the application file.

A review of the application file reveals that a Notice of Incomplete Reply was mailed on January 16, 2007. The Notice of Incomplete Reply acknowledges receipt of an executed declaration filed on December 5, 2006, but states that a required surcharge of $65.00 for filing a late declaration was not submitted. The Notice of Incomplete Reply states that the period for reply remains as set

in the January 16, 2007 Notice to File Missing Parts of Nonprovisional Application. As stated above, a January 16, 2007 Notice to File Missing Parts of Nonprovisional Application was never mailed in this application. Therefore, no period for reply was running against applicants and the application never became abandoned.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the January 12, 2009 Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter.

It is noted that applicants paid the $65.00 surcharge on April 2, 2007. The application appears to be complete.

Accordingly, the application file will be returned to the Office of Patent Application Processing for further pre-examination 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

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GARRANA TRAN LLP
2000 BERING
SUITE 150
HOUSTON TX 77057

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JUL 19 2010

OFFICE OF PETITIONS

In re Application of :
Brent MCDONALD, et al :
Application No. 11/565,620 : ON PETITION
Filed: November 30, 2006 :
Attorney Docket No. DL005.0026 :

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

The petition is **DISMISSED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability (Notice), mailed February 5, 2010, which set a period for reply of **three (3) months**. Accordingly, this application became abandoned on May 6, 2010.

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

With respect to item 2: A review of the record shows that the petition in the above-identified application was accompanied by a payment of $1540 for the petition fee. The current petition fee, as of October 2, 2008, is $1620. A new fee schedule was posted and new fees should have been applied to any petition fee filed after the date listed above. The instant petition lacks a complete petition fee payment and an additional $80 is due to complete the required petition fee as set forth in 37 CFR 1.17(m). No consideration on the merits can be given until the required fee deficiency is remitted.

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

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

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

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

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

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

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

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VIERRA MAGEN MARCUS & DENIRO LLP
575 MARKET STREET, SUITE 2500
SAN FRANCISCO CA 94105

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DEC 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Jyoti Kumar Bansal et al	:	
Application No. 11/565,730	:	DECISION GRANTING PETITION
Filed: December 1, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. WILY-01056US0	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 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 November 20, 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 2168 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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CIMS 483-02-19
800 CHRYSLER DR EAST
AUBURN HILLS MI 48326-2757

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OFFICE OF PETITIONS

In re Application of :
Mariano CADIZ et al. :
Application No. 11/565,765 : DECISION ON PETITION
Filed: December 01, 2006 :
Attorney Docket No. **707574US1** :

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

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 12, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is May 13, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1540; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office action of February 12, 2008 is accepted as having unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2783.

This application is being referred to Technology Center AU 3673 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
Petition Examiner
Office of Petitions

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A PATENT LAWYER CORP, PLC
R WILLIAM GRAHAM
22 S ST CLAIR ST
DAYTON OH 45402

MAILED

JUN 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Paul Barclay	:	
Application No. 11/565,783	:	DECISION ON PETITION
Filed: December 1, 2006	:	TO WITHDRAW
Attorney Docket No. T-24-09	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 4, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor. This change has been made in order to avoid subsequent correspondence being directed to an incorrect address or to a practitioner who has not been appointed as practitioner of record by the applicant.

Accordingly, the request to withdraw from record cannot be approved because the change of correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71, who has properly intervened. If an assignee has ownership in this application, then a Statement under 37 CFR 1.373(b) must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

Mail Date: 04/21/2010

Applicant	: Nikolas Subotic	: DECISION ON REQUEST FOR
Patent Number	: 7619518	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,790	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/01/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **224** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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CROMPTON, SEAGER & TUFTE, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS, MN 55403-2420

Mail Date: 04/21/2010

Applicant	: Reto Walder	: DECISION ON REQUEST FOR
Patent Number	: 7611518	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/565,825	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/01/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **59** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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FORD GLOBAL TECHNOLOGIES, LLC
FAIRLANE PLAZA SOUTH, SUITE 800
330 TOWN CENTER DRIVE
DEARBORN, MI 48126

Mail Date: 05/03/2010

Applicant	: Weigang Chen	: DECISION ON REQUEST FOR
Patent Number	: 7610792	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/565,860	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/01/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **165** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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, N.W.
WASHINGTON DC 20005

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JUL 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Wataru Ban et al	:	
Application No. 11/565,868	:	DECISION GRANTING PETITION
Filed: June 28, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 229278	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 7, 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 9, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 3711 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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CHOATE, HALL & STEWART / CITRIX SYSTEMS, INC.
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

Mail Date: 06/01/2010

Applicant	: Jeff Day	: DECISION ON REQUEST FOR
Patent Number	: 7685298	: RECALCULATION of PATENT
Issue Date	: 03/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/565,929	: OF WYETH
Filed	: 12/01/2006	:
		:

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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EDWARD S. SHERMAN, ESQ.
3554 ROUND BARN BLVD.
SUITE 303
SANTA ROSA CA 95403

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JUN 04 2009

OFFICE OF PETITIONS

In re Application of
Joseph Stone
Application No. 11/565,977
Filed: December 1, 2006
Attorney Docket No. 169.01NP

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

The request is **APPROVED**.

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

The request was signed by Edward S. Sherman on behalf of all attorneys of record who are associated with Customer No. 30480.

All attorneys/agents associated with Customer No. 30480 have been withdrawn.

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

All future correspondence will be directed to the first inventor Joseph Stone at the address indicated in the request.

The application became abandoned for failure to respond to the Non-Final Office mailed September 30, 2008, which set a shortened statutory period for reply of three (3) months.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: Joseph Stone
P.O. Box 6818
Santa Rosa, CA 95406

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

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JUN 22 2010

OFFICE OF PETITIONS

In re Application of
Hajime Kimura et al
Application No. 11/565,989
Filed: December 1, 2006
Attorney Docket No. 12732-0424001

: 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 21, 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 28, 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 2874 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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FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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MAR 0 8 2010

OFFICE OF PETITIONS

In re Application of :
Hajime Kimura, et al. :
Application No. 11/566,005 : DECISION GRANTING PETITION
Filed: December 1, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 12732-0418001 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 4, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 18, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2874 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/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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Paper No.

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

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SEP 28 2009

OFFICE OF PETITIONS

In re Application of :
Liu et al. : DECISION ON PETITION
Application No. 11/566,017 :
Filed: December 1, 2006 :
Atty Docket No. 251812-1420 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed January 22, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the Notice of Non-Compliant Amendment mailed May 9, 2008. This Office action set a one-month period for reply, with extensions of time obtainable under § 1.136(a). No reply filed and no extension of time obtained, the application became abandoned June 10, 2008. The filing of this petition precedes the mailing of a courtesy Notice of Abandonment.

The petition includes the required reply in the form of an amendment, the required statement of unintentional delay and payment of the petition fee. No terminal disclaimer is required.

Technology Center AU 2819 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed January 22, 2009.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

NEAL GERBER & EISENBERG
2 NORTH LASALLE STREET, SUITE 2200
CHICAGO, IL 60602

In re Application of :
STANGELAND, et al. :
Application No. 11/566,044 : DECISION ON PETITION
Filed: December 1, 2006 : TO WITHDRAW
Attorney Docket No. **18673.01US2** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 1, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **NEAL GERBER & EISENBERG** has been revoked by the assignee of the patent application on March 27, 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: **THOMAS KAYDEN HORSTEMEYER & RISLEY, LLP**
600 GALLERIA PARKWAY SE, SUITE 1500
ATLANTA, GA 30339-5994

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ROBERT (BOBBY) T. SUNDBY
2400 W. MAIN
SUITE A
RAPID CITY, SD 57702

RECEIVED

JAN 02 2009

OFFICE OF PETITIONS

In re Application of Sundby :
Application No. 11/566,067 : Decision on Petition
Filing Date: December 1, 2006 :
For: Guitar Slide Ring :

This is a decision on the petition under 37 CFR 1.137(a), filed December 22, 2008, to revive the above-identified application.

The petition is **granted**.

The Office mailed a Notice of Non-Compliant Amendment on May 27, 2008. The Notice set a one-month time period for reply. A reply was due on or before Friday, June 27, 2008.

The reply filed by petitioner was received by the Office on Tuesday, July 1, 2008. The reply included a certificate of mailing. However, due to an inadvertent error, petitioner failed to list the date in the certificate of mailing. As a result, the reply was untimely.

On November 18, 2008, the Office mailed petitioner indicating the reply filed July 1, 2008, was untimely because it was not accompanied by an extension of time.

An extension of time was never received. As a result, the application became abandoned as of June 28, 2008.

The instant petition was filed December 22, 2008, and includes a certificate of mailing dated December 18, 2008.

The instant petition seeks revival of the application.

Petitioner has supplied a receipt showing an item was mailed to the Office on June 26, 2008. Petitioner, the inventor, is not listed in Office computer records as an inventor in any other application. Therefore, it is more probable than not that the receipt applies to the paper received in the instant case on July 1, 2008.

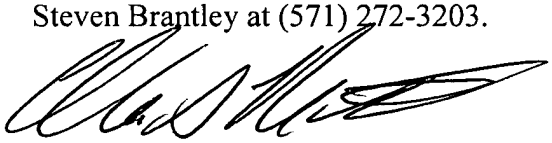
Unlike many pro se applicants, petitioner did not simply mail the reply and hope it would arrive on time in the Office. Instead, petitioner mailed the reply, included a certificate of mailing in the

reply, and signed the certificate of mailing. The only error made by petitioner was clerical in nature and involved the omission of the date of mailing on the paper mailed June 26, 2008.

In view of the entire record, the Office has determined petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(a). Therefore, the petition is granted.

Technology Center Art Unit 2837 will be informed of the instant decision. If the Art Unit determines the amendment filed July 1, 2008, is compliant with 37 CFR 1.121 and 1.4, then the amendment will be entered and considered by the examiner in due course. If the Art Unit determines the amendment filed July 1, 2008, is not compliant with 37 CFR 1.121 and 1.4, a new Notice of Non-Compliant Amendment will be mailed setting forth a one-month time period for a corrected amendment to be filed.

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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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/566,114	12/01/2006	James H. Keithly	006943.00048	5357

7590 10/24/2007

BANNER & WITCOFF, LTD.
and ATTORNEYS FOR CLIENT NO. 006943
10 SOUTH WACKER DR.
SUITE 3000
CHICAGO, IL 60606

EXAMINER	

ART UNIT	PAPER NUMBER
1761	

MAIL DATE	DELIVERY MODE
10/24/2007	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 10/24/2007 [illegible]
12/04/2006 INTEFSW 00000782 190733 11566114
02 FC:1111 500.00 CR
04 FC:1202 2400.00 CR
05 FC:1201 1400.00 CR

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Knobbe, Martens, Olson & Bear LLP
2040 Main Street
14th Floor
Irvine, CA 92614

Mail Date: 04/21/2010

Applicant	: Carl L. White	: DECISION ON REQUEST FOR
Patent Number	: 7595271	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/566,124	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/01/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **24** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK NY 10008-0770

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JUN 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Mohamed A. Rostom	:	DECISION ON PETITION
Application No. 11/566,126	:	TO WITHDRAW
Filed: December 1, 2006	:	FROM RECORD
Attorney Docket No. 20263/1201514-US1	:	

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 11, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Jamie L. Wiegand on behalf of all attorneys of record who are associated with Customer No. 07278.

All attorneys/agents associated with Customer Number 07278 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

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

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Mohamed A. Rostom
601-200 LaCaille Place, SW
Calgary, Alberta T2P 5E2 Canada

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OPPEDAHL PATENT LAW FIRM LLC-VAI
P.O. BOX 4850
FRISCO, CO 80443-4850

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OFFICE OF PETITIONS

In re Application of :
STEVEN, et al. :
Application No. 11/566,135 : DECISION ON PETITION
Filed: December 1, 2006 : TO WITHDRAW
Attorney Docket No. **VAI.P-014-2** : 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 18, 2007.

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

A review of the file record indicates that the power of attorney to **OPPEDAHL PATENT LAW FIRM LLC-VAI** has been revoked by the assignee of the patent application on November 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 the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **MARINA LARSON & ASSOCIATES LLC - VAI**
P.O. BOX 4928
DILLON, CO 80435-4928

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November 20, 2006

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
100 GALLERIA PARKWAY, NW
STE 1750
ATLANTA GA 30339-5948

MAILED
JAN 5 - 2007
Technology Center 2100

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TECHNOLOGY CENTER 2100

In re Application of:
Muraki, ET AL.
Serial No.: 11/566,152
Filed: December 1, 2006
Docket: 821106-1011
Title: **INFORMATION PROCESSING DEVICE, SYSTEM, METHOD, AND RECORDING MEDIUM**

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 December 1, 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 filed 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 I to II.4, II.5.1, II.6 to II.6.1, II.6.4 and II.6.5 above are considered to have been met. However, the petition fails to comply with conditions II.5 , II.5.2, II.5.3, II.6.3 and II.6.6 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02 II.5, the petition lacks the proper class and subclass, which are deemed to be applicable, and lacks proper search logic performed in the pre-examination search. In consideration of the U.S. field of search presented in the instant Petition and based upon the claimed subject matter of the instant application, a search in Class 463, subclass 42 is necessary in order to provide full coverage of where the most pertinent references are most likely to be found. This additional search area was confirmed with a Primary Examiner. Furthermore the petition indicates that search logic was used, in searching Google, info.com, Scirus, Yahoo, Emerald and Altavista but did not modify the operators in comformance with those specific databases. Specifically the operators, "adj", "same", "near" are not search operators for the above search sites. Clarification is requested.

Regarding the requirement of MPEP § 708.02 II.5.2 and II.5.3, the preexamination search is not directed to the claimed invention and does not encompass all of the features claimed or which may be claimed. Also, the Petitioner has failed to include related terms or synonyms for certain search terms. Specifically, the term "convert" which appears in claims 1 and 3-7 is included in the search logic, but it's synonym "translate" was not in the search logic. The term "translate" should be used in the search logic.

Regarding the requirement of MPEP § 708.02 II.6.2, the petition does not provide for each reference cited in the IDS, 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. Specifically, the Petitioner discusses seven references deemed most closely related to the claims, but fails to discuss the other twenty-eight references. Each reference cited must be discussed.

Regarding the requirement of MPEP § 708.02 II.6.3, the petition does not provide 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). Specifically, the petition only discusses how the claims are patentable over seven of the thirty-five references cited and fails to discuss how the claims are patentable over the remaining twenty-eight references. Furthermore, the petition did not include an explanation of how claims 3, 4 and 6 are patentable over the references cited. Clarification is required.

Regarding the requirement of MPEP § 708.02 II.6.6, the petition does not provide an identification of any cited references that may be disqualified under 35 USC 103(c). If there are no references subject to the 103(c) requirement, the Petitioner should indicate so by stating "None".

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 John Follansbee, at (571) 272-3964.

John Follansbee
WQAS Technology Center 2100

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MAR 12 2007

Technology Center 2100

March 7, 2007

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
100 GALLERIA PARKWAY, NW
STE 1750
ATLANTA GA 30339-5948

In re Application of:
Muraki, ET AL.
Serial No.: 11/566,152
Filed: December 1, 2006
Docket: 821106-1011
Title: **INFORMATION PROCESSING DEVICE, SYSTEM, METHOD, AND RECORDING MEDIUM**

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 amended petition for accelerated examination, filed on February 5, 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

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 filed 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 I to II.6.1 and II.6.3 to II6.6 above are considered to have been met. However, the petition fails to comply with conditions II.6.2 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02 II.6.2, the petition does not provide for each reference cited in the IDS, 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. Specifically, the Petitioner discusses several references by simply copying the abstract of that cited reference. Examples are: Zhang (US 6764347); Hatakeyama et al. (US 6948072); Sun (US 2005/0154708). This does not comply with "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". Therefore the petition fails to meet the II.6.2 condition.

DECISION

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 John Follansbee, at (571) 272-3964.

John Follansbee
WQAS Technology Center 2100

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MAILED March 19, 2007

MAR 20 2007

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In re Application of:
Muraki, ET AL.
Serial No.: 11/566,152
Filed: December 1, 2006
Docket: 821106-1011
Title: **INFORMATION PROCESSING DEVICE, SYSTEM, METHOD, AND RECORDING MEDIUM**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

A decision denying the petition to make the above-identified application special for accelerated examination was mailed on March 12, 2007. Accordingly, the application is no longer eligible for the accelerated examination program.

The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to John Follansbee, WQAS, at (571) 272-3964.

John Follansbee, WQAS
Technology Center 2100

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OFFICE OF PETITIONS

In re Application :
Severine Catreux-Erceg et al. :
Application No. 11/566,173 : DECISION ON APPLICATION
Filed: December 1, 2006 : FOR PATENT TERM ADJUSTMENT
Attorney Docket No. 18021US01 :

This is in response to the APPLICATION FOR RECONSIDERATION OF THE DETERMINATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154(b) ACCOMPANYING THE NOTICE OF ALLOWANCE (37 CFR § 1.705) filed June 29, 2010. Applicant requests that the determination of patent term adjustment be corrected from 594 to 909 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 is considered in light of the recent court decision in light of the Court of Appeals for the Federal Circuit's decision in *Wyeth v. Kappos*, 2009-1120 (Fed. Cir. 1-7-2010).

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.

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JACKSON & CO., LLP
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In re Application of:
Eran Steinberg, et al.
Serial No.: 11/566,180
Filed: December 1, 2006
Docket: **FN109-A-CON-AE**
Title: **METHOD OF DETERMINING PSF USING MULTIPLE INSTANCES OF A NOMINALLY SCENE**

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 December 1, 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 filed 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 set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5. and 5.1 and 6.2 and 6.3 above.

Furthermore, applicant has failed to provide copies of the cited references. In order to comply with 37 CFR 1.98 (d), a copy of any patent, publication, pending US application or other information, as specified in paragraph (a) of this section, listed in an information disclosure statement (IDS) is required to be provided, even if the patent, publication, pending US application or other information was previously submitted to, or cited by, the Office in an earlier application, unless:

(1) The earlier application is properly identified in the information disclosure statement and is relied on for an earlier effective filing date under 35 USC 120; and

(2) The information disclosure statement submitted in the earlier application complies with paragraphs (a) through (c) of this section.

A review of the information disclosure statement filed with the instant petition does not find the required statement identifying an earlier application in accordance with 37 CFR 1.98(d)(1). Furthermore, the "Utility Patent Application Transmittal" coversheet includes a check under box 12. indicating that "Copies of citations are attached". Therefore, it appears that copies of the cited prior art were meant to be submitted at the time of filing.

For all of the reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5, the preexamination search document provided with the instant petition is deficient as follows: the US Field of Search and Databases Searches which are to be provided under section 8(A) have not been provided. While section 8(D) refers to a Search Report from a Foreign Patent Office, no copy of such has been provided as discussed supra. Furthermore, as discussed in MPEP 702.08(a), I. H.(4): "A search report from a foreign patent office will not satisfy this preexamination search requirement unless the search report satisfies the requirements for a preexamination search." Even though a copy was not provided and the IDS failed to properly identify the parent application, a cursory review of the EPO Search Report document found in the parent application does not meet the above requirements inasmuch as it fails to include an identification of the field of search by US class and subclass, and for the database searches, fails to include the search logic used as a query. It appears the required field of search would need to include at least class 382, subclasses 260, 264, 294 and 299 and at least class 348, subclass 237.

Regarding the requirement of items 6.2 and 6.3, the "Accelerated Examination Support Document" only identifies the limitations of the claims and a detailed explanation of how the claims are patentable over only three of the cited references. Petitioner does not discuss all of

the references listed in the information disclosure statement (IDS) submitted on December 1, 2006, nor indicate why these other references were not discussed. The presumption is that each of the cited references is considered most relevant to the claimed invention since they have been cited. Thus, the petition does not meet the conditions of II. 6.2 and II. 6.3 above.

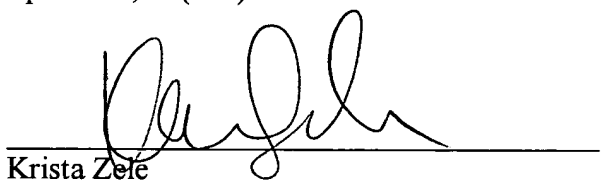
DECISION

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 Krista Zele, Quality Assurance Specialist, at (571) 272-7288.



Krista Zele
Quality Assurance Specialist
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In re Application of:
Eran Steinberg, et al.
Serial No.: 11/566,180
Filed: December 1, 2006
Docket: **FN109-A-CON-AE**
Title: **METHOD OF DETERMINING PSF USING MULTIPLE INSTANCES OF A NOMINALLY SCENE**

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 request for reconsideration filed January 29, 2007 which is also a response to the petition decision mailed December 29, 2006. The request for reconsideration filed January 29, 2007 is considered together with the original petition filed December 1, 2006 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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 filed 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).

PERTINENT BACKGROUND INFORMATION

The petition decision mailed December 29, 2006 set forth that the originally filed petition failed to comply with conditions set forth under section II. items 5. and 5.1 and 6.2 and 6.3 above and because applicant failed to provide copies of the cited references.

The instant request for reconsideration has provided copies of all the cited references.

In regard to the December 29, 2006 petition decision requiring additional searching in at least class 382, subclasses 260, 264, 294 and 299 and at least class 348, subclass 237; petitioner argues "although these US classes and subclasses are not expressly indicated in the ISR, the European Patent Office (EPO) has been long recognized as providing among the highest levels of competency with regard to patentability searching and examination. The undersigned attorney does not believe that the USPTO now wishes to boldly assert that the EPO is an incompetent searching authority...". Furthermore, while petitioner's remarks on page 2 of the instant request for reconsideration assert that Section 8(A) has been properly amended in the Preexamination Search Document such that items 5 and 5.1 are now met; a review of the resubmitted Preexamination Search Document does not provide any indication that these US class and subclass areas have been searched. Rather, the only classification search listed is the International Classification search performed in the International Search Report (ISR). Accordingly, it is not understood what is meant by petitioner's assertion that the Preexamination Search Document has been properly amended.

In response to petitioner's arguments concerning the Preexamination Search Document, please see MPEP Section 708.02(a), part I. (H) which is reproduced below for petitioner's convenience (emphasis added).

> "(H) At the time of filing, applicant must provide a statement that a preexamination search was conducted, including an identification of the field of search by United States class and subclass and the date of the search, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file or files searched and the database service, and the date of the search.
> (1) This preexamination search must 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 source and includes such a justification with this statement.
> (2) This preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation.
> (3) The preexamination search must also encompass the disclosed features that may be claimed. An amendment to the claims (including any new claim) that is not encompassed by the preexamination search or an updated accelerated examination support document (see item I) will be treated as not fully

responsive and will not be entered. See subsection IV below for more information.

(4) **A search report from a foreign patent office will not satisfy this preexamination search requirement unless the search report satisfies the requirements for a preexamination search.**

(5) Any statement in support of a petition to make special must be based on a good faith belief that the preexamination search was conducted in compliance with these requirements. See 37 CFR 1.56 and 10.18." (emphasis added)

Because the International Search Report (ISR) as provided does not satisfy all of the requirements for a preexamination search as set forth under the new Accelerated Examination program, the submission of the ISR as the Preexamination Search Document by petitioner is insufficient in meeting the requirements. It should be noted that the Office is not challenging the competency of the ISR to conduct a search under the PCT. The requirements of this program are not necessarily commensurate with that of the particular search provided by the ISR. Accordingly, the Preexamination Search Document is still deemed to be deficient in regard to items 5 and 5.1.

Further regarding the requirement in items 5 and 5.1, the preexamination search document provided with the instant petition is deficient as follows: the US Field of Search, and for the Databases Searches the search logic used as a query, which are to be provided under section 8(A) have not been provided. While section 8(D) refers to a Search Report from a Foreign Patent Office, the provided copy does not provide any indication of specific US class and subclass areas that were searched for the claims of the instant application. It also does not provide the search terms or logic that were used in the search query. Furthermore, as discussed in MPEP 702.08(a), I. H.(4) above: "A search report from a foreign patent office **will not satisfy** this preexamination search requirement unless the search report satisfies the requirements for a preexamination search." (emphasis added). Therefore, even though petitioner argues that the search report corresponds to a PCT that is equivalent to the US parent application upon which the instant application is based; a review of the Accelerated Examination Support Document finds that the claims of the instant application are not of the same scope of the PCT and moreover, the search report did not provide any indication of US class and subclass areas searched for the claims of the instant application and did not provide any indication of the search terms or logic used in the query. Furthermore, while applicant was advised of specific additional US class and subclass areas that were required to be searched, no additional search appears to have been conducted as none was cited in the instant request for reconsideration, no additional prior art was cited, and no additional prior art was discussed.

DECISION

Accordingly, the petition taken together with the request for reconsideration is **denied**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-7288.

Krista Zele
Quality Assurance Specialist
Technology Center 2600

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United States Patent and Trademark Office
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Tessera/FotoNation
Patent Legal Dept.
3025 Orchard Parkway
San Jose, CA 95134

Mail Date: 04/21/2010

Applicant	: Eran Steinberg	: DECISION ON REQUEST FOR
Patent Number	: 7660478	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/566,180	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/01/2006	: 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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CHALKER FLORES, LLP
2711 LBJ FRWY
Suite 1036
DALLAS, TX 75234

Mail Date: 04/21/2010

Applicant	: Robert M. Krug	: DECISION ON REQUEST FOR
Patent Number	: 7601490	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/566,214	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/02/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **33** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

In re Application of :
GAMMONS, Clifford E. :
Application No. 11/566,226 : DECISION ON PETITION
Filed: December 3, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 06021-UPA : 37 CFR 1.102(c)(1)
:

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

The petition is **GRANTED**.

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

The instant petition includes the birth certificate of inventor Clifford E. Gammons, 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 3673 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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BASF CORPORATION
CARL-BOSCH-STRASSE 38
LUDWIGSHAFEN, D67056
GERMANY

Mail Date: 04/21/2010

Applicant	: Oswaldo da Gosta e Silva	: DECISION ON REQUEST FOR
Patent Number	: 7608757	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/566,246	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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GOWLING LAFLEUR HENDERSON LLP (OTT)
SUITE 2600
160 ELGIN STREET
OTTAWA ON K1P1C-3 CA CANADA

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AUG 18 2009

OFFICE OF PETITIONS

In re Application of :
Frank E. Bunn et al :
Application No. 11/566,248 : DECISION ON PETITION
Filed: December 4, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 08907066US1 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 14, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **DISMISSED.**

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

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

The petition does not satisfy item (1) above.

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.78(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be

indicated, following the filing date of the parent nonprovisional application. See MPEP Section 201.11, Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted.

The rule at 37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5) to correct the above matter is required.

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

By mail:
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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 Irvin Dingle at (571) 272-3210.

Christopher Bottorff
Petition Examiner
Office of Petitions

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Patent Counsel
Schlumberger Reservois Completions
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SEP 25 2007

OFFICE OF PETITIONS

In re Application of :
Zemlak et al. :
Application No. 11/566,258 : ON PETITION
Deposited: December 4, 2006 :
Attorney Docket No. 69.5709 :

This is a decision on the "PETITION UNDER 37 C.F.R. 1.57(a) TO ADD INADVERTENTLY OMITTED MATERIAL" filed May 9, 2007, requesting that the application be amended to add drawings that were inadvertently omitted from the above-identified application on filing, that the filing date of December 4, 2006 be accorded to the above-identified application, and that the application be allowed to claim priority to a prior-filed application. However, it is noted that no amendment accompanied this petition.

For the reasons stated herein, the petition is **DISMISSED**.

Petitioner is given **TWO (2) MONTHS** from the mailing date of this decision to supply an amendment in compliance with §§ 1.57 and 1.121 or otherwise, properly respond. This period is not extendable. See 37 CFR 1.181(f). The reconsideration request should include a cover letter entitled "RENEWED PETITION UNDER 37 CFR 1.57(a)."

RE: PETITION TO CLAIM PRIORITY

With respect to petitioners' request to be allowed to claim priority to a prior-filed application, petitioner is advised that 37 CFR 1.57(a) is not the avenue for requesting a claim to priority. 37 CFR 1.57(a) provides that:

> If an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the specification was inadvertently omitted from the application and is completely contained in the prior-filed application, applicant may submit an amendment to include the inadvertently omitted portion of the specification pursuant to 37 CFR 1.57(a).

For applications filed on or after September 21, 2004, 37 CFR 1.57(a) provides that a claim under 37 CFR 1.78 for the benefit of a prior-filed application, that was present on the filing date of the application, is considered an incorporation by reference as to inadvertently omitted material. See MPEP § 201.17. 37 CFR 1.57(a) permits an applicant to include subject matter from the prior application to which a claim under 37 CFR 1.55 or 37 CFR 1.78 was present on filing of the application into the later-filed application without the subject matter being considered as new matter.

A petition to accept an unintentionally delayed claim for priority to a prior-filed application is by way of petition under 37 CFR 1.78(a), not 37 CFR 1.57(a). Furthermore, a petition under § 1.78 is only appropriate after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii) or (a)(5)(ii), as appropriate.

In this instance, the application on filing in both the first sentence of the specification and in the application data sheet contains a claim under 35 USC 119(e), and 37 CFR 1.78(a)(4), to provisional application No. 60/745,364 filed April 21, 2006. This claim was timely and properly made and thus, no petition under 1.78(a)(6) is required for its acceptance. Further, a petition pursuant to 37 CFR 1.57(a) to amend the application to include drawing(s) based on the drawing(s) being completely contained in the provisional application would be appropriate.

RE: PETITION UNDER 1.57(a)

Application papers in the above-identified application were deposited on December 4, 2006. However, on February 21, 2007,

the Office mailed a "NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" stating that the application had not been accorded a filing date because the application was deposited without drawings. (In addition, the oath or declaration was missing). This Notice set a TWO-MONTH nonextendable period for response.

In response, applicants filed the instant petition, an executed declaration and late surcharge and authorized a one-month extension of time. Preliminarily, petitioner is reminded that the period for filing a petition under 1.57(a) in response to a Notice of Incomplete Application is not extendable under 37 CFR 1.136[1]. Nonetheless, the application has not been processed as an incomplete application and the petition will be treated on the merits.

With respect to the merits of the petition, 37 CFR § 1.57 provides that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) The application must be amended to include the inadvertently omitted portion of the specification or

---

[1] Failure to submit the petition within 2 months may result in the following: As stated in MPEP 601.01(d)II,

Applications in which a "Notice of Incomplete Application" has been mailed will be retained in OIPE to await action by the applicant since further action by the applicant is necessary for the application to be accorded a filing date. Unless applicant completes the application, or files a petition under 37 CFR 1.53(e) with the petition fee set forth in 37 CFR 1.17(f), or files a petition under 37 CFR 1.57(a)(3) with the petition fee set forth in 37 CFR 1.17(f), within the period set in the "Notice of Incomplete Application," the application will be processed as an incomplete application under 37 CFR 1.53(e).

> drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:
>
> (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
>
> (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and
>
> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
>
> ...
>
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

The instant application was filed after September 21, 2004, and thus, the provisions of 37 CFR 1.57(a) are applicable. A review of the application confirms, as previously stated, that on filing the application included a claim under § 1.78 to application No. 60/745,364 filed April 21, 2006.

Petitioner states that the drawings were inadvertently omitted and includes 6 sheets of drawings and the petition fee. However, petitioner does not submit an amendment submitting the omitted material and requesting that the necessary omitted material contained in the prior application and submitted in the amendment, be included in the continuation or divisional application pursuant to 37 CFR 1.57(a) as required. Moreover, petitioner does not state that the drawings submitted on petition are completed contained in provisional application No. 60/745,364.

In view thereof, the petition must be dismissed.

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

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

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

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

Registered users of EFS-Web may alternatively submit their response to this decision via EFS-Web.

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney, Nancy Johnson at (571) 272-3219.

Charles Pearson
Director
Office of Petitions

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Patent Counsel
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Schlumberger Technology Corporation
14910 Airline Road
Rosharon TX 77583

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JAN 22 2008

OFFICE OF PETITIONS

In re Application of :
Zemlak et al. :
Application No. 11/566,258 : ON PETITION
Deposited: December 4, 2006 :
Attorney Docket No. 69.5709 :

This is a decision on the "RENEWED PETITION UNDER 37 CFR 1.57(a)" filed October 23, 2007 (and resubmitted October 24, 2007).

Application papers in the above-identified application were deposited on December 4, 2006. However, on February 21, 2007, the Office mailed a "NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" stating that the application had not been accorded a filing date because the application was deposited without drawings. (In addition, the oath or declaration was missing). This Notice set a TWO-MONTH nonextendable period for response.

By decision mailed September 25, 2007, the initial petition filed May 9, 2007 was dismissed. The instant application was filed after September 21, 2004, and thus, the provisions of 37 CFR 1.57(a) are applicable. Moreover, a review of the application confirms, as previously stated, that on filing the application included a claim under § 1.78 to application No. 60/745,364 filed April 21, 2006. In addition petitioner stated that the drawings were inadvertently omitted and included 6 sheets of drawings and the petition fee. However, petitioner did not provide the amendment submitting the omitted material as required by 37 CFR 1.57(a). Petitioner also did not state that the drawings submitted on petition were completed contained in provisional application No. 60/745,364.

On instant renewed petition, petitioner states that the drawings were inadvertently omitted and that they are contained on the last page of the prior application. The instant petition also includes the required amendment under 37 CFR 1.57(a) and meets all other requirements of 1.57(a).

Thus, pursuant to 1.57, the application as filed is considered to have incorporated by reference the prior-filed application as to the inadvertently omitted portion of the specification.

In view thereof, the petition is **GRANTED**.

Receipt of the previously submitted petition fee of $400 is again acknowledged.

Receipt of the declaration filed May 9, 2007 is acknowledged.

The application is being forwarded to the Office of Patent Application Processing for

- according of a filing date of December 4, 2006, as an application claiming the benefit of provisional application No. 60/745,364, including the copy of the drawing sheets from the prior application supplied on October 23, 2007 with a statement that they are the drawings completely contained in the prior application (and resubmitted on October 24, 2007; and

- processing of the executed declaration filed May 9, 2007.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from the Office of Patent Application Processing.

Telephone inquiries related to this decision may be directed to Nancy Johnson, Senior Petitions Attorney at (571) 272-3219.

Charles Pearson
Director
Office of Petitions

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Schlumberger Technology Corporation
14910 Airline Road
Rosharon TX 77583

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OFFICE OF PETITIONS

In re Application of	:	
Zemlak et al.	:	**CORRECTED**
Application No. 11/566,258	:	DECISION
Deposited: December 4, 2006	:	DISMISSING PETITION
Attorney Docket No. 69.5709	:	

This is a corrected decision on the "RENEWED PETITION UNDER 37 CFR 1.57(a)" filed October 23, 2007 (and resubmitted October 24, 2007).

This decision supersedes the decision mailed January 22, 2008. For the reasons stated herein, this application is not entitled to a filing date.

The petition is **DISMISSED**.

Petitioner is given **TWO (2) MONTHS** from the mailing date of this decision to properly respond. This period is not extendable. See 37 CFR 1.181(f). The reconsideration request should include a cover letter entitled "RENEWED PETITION UNDER 37 CFR 1.57(a)."

Alternatively, if applicants decide to accept a filing date as of the later date of submission of the drawings, then a petition under 37 CFR 1.182 and a new declaration covering the later filed drawings is required.

Action must be taken within **TWO (2) MONTHS** of the mailing date of this decision, to avoid termination of proceedings.

Application papers in the above-identified application were deposited on December 4, 2006. However, on February 21, 2007, the Office mailed a "NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" stating that the application had not been accorded a filing date because the application was deposited without drawings. (In addition, the oath or declaration was missing). This Notice set a TWO-MONTH nonextendable period for response.

By decision mailed September 25, 2007, the initial petition filed May 9, 2007 was dismissed. The instant application was filed after September 21, 2004, and thus, the provisions of 37 CFR 1.57(a) are applicable. Moreover, a review of the application confirms, as previously stated, that on filing the application included a claim under § 1.78 to application No. 60/745,364 filed April 21, 2006. In addition petitioner stated that the drawings were inadvertently omitted and included 6 sheets of drawings and the petition fee. However, petitioner did not provide the amendment submitting the omitted material as required by 37 CFR 1.57(a). Petitioner also did not state that the drawings submitted on petition were completed contained in provisional application No. 60/745,364.

On instant renewed petition, petitioner states that the drawings were inadvertently omitted and that they are completely contained in the prior application. The instant petition also includes the required amendment under 37 CFR 1.57(a) and meets all other requirements of 1.57(a).

Pursuant to 37 CFR 1.57(a), and by virtue of the claim for priority to provisional application No. 60/745,364 contained in this application as originally filed, the drawings present in the prior-filed provisional application were implicitly incorporated by reference. As such, applicants may amend this application to include the drawings present in the prior-filed provisional application. However, applicants may not amend an application under the provisions of 37 CFR 1.57(a) to include drawings or other subject matter not present in the prior-filed provisional application (or other application to which such benefit is available under 37 CFR 1.57(a)). In other words, 37 CFR 1.57(a) does not provide for amendment of an application to include inadvertently omitted drawings that were not completed contained in a prior-filed application.

This renewed petition was previously granted by the decision mailed January 22, 2008 on the basis that the attorney of record stated that:

> the drawings submitted on petition are completely contained in the prior-filed provisional application No. 60/745,364.

However, a further review of the drawings reveals that the drawings as resubmitted on petition are not completely contained in the prior-filed provisional application. For example, the drawings submitted for this application include reference character 210 in figures 1 and 2. Whereas, reference character 210 does not appear in figures 1 and 2 in the provisional application (labelled as such or otherwise).

In view thereof, the petition must be dismissed.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions ATTN: NANCY JOHNSON
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Registered users of EFS-Web may alternatively submit their response to this decision via EFS-Web.

Receipt of the previously submitted petition fee of $400 is again acknowledged.

Receipt of the declaration filed May 9, 2007 is acknowledged.

Telephone inquiries related to this decision may be directed to Nancy Johnson, Senior Petitions Attorney at (571) 272-3219.

for
Charles Pearson
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

Patent Counsel
Schlumberger Reservois Completions
Schlumberger Technology Corporation
14910 Airline Road
Rosharon TX 77583

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SEP 0 2 2008

OFFICE OF PETITIONS

In re Application of :
Zemlak et al. :
Application No. 11/566,258 : DECISION ON
Filed: December 4, 2006 : RENEWED PETITION
Attorney Docket No. 69.5709 :

This is a decision on the second "RENEWED PETITION UNDER 37 CFR 1.57(a)" filed May 16, 2008, in the above-identified application. Applicants request that the above-identified application be accorded a filing date of December 4, 2006.

The petition is **GRANTED**.

Application papers in the above-identified application were deposited on December 4, 2006. However, on February 21, 2007, the Office mailed a "NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" stating that the application had not been accorded a filing date because the application was deposited without drawings.

By decision mailed September 25, 2007, the initial petition under 37 CFR 1.57(a) filed May 9, 2007 was dismissed. Applicants did not provide the amendment submitting the omitted material as required by 37 CFR 1.57(a), and did not state that the drawings submitted on petition were completed contained in prior provisional application No. 60/745,364.

By decision mailed April 1, 2008, the renewed petition filed October 23, 2007 (and resubmitted October 24, 2007 was dismissed. The petition was dismissed because the drawings as

resubmitted on petition were not completely contained in the prior-filed provisional application.

On instant renewed petition, petitioner acknowledges that the drawings filed on October 23, 2007 (and resubmitted on October 24, 2007) were replacement drawings. Petitioner states that the drawings being submitted on instant renewed petition are completely contained in the prior application. The instant petition also includes the required amendment under 37 CFR 1.57(a) and meets all other requirements of 1.57(a).

Pursuant to 37 CFR 1.57(a), and by virtue of the claim for priority to provisional application No. 60/745,364 contained in this application as originally filed, the drawings present in the prior-filed provisional application were implicitly incorporated by reference. As such, applicants may amend this application to include the drawings present in the prior-filed provisional application. The application as amended to include the drawings submitted on May 16, 2008 is entitled to a filing date of December 4, 2006.

This application with a filing date of December 4, 2006[1], including the drawings submitted on renewed petition filed May 16, 2008, is being forwarded to Technology Center AU 3671 for examination in due course. The examiner will consider the amendment filed October 23, 2007 (and resubmitted October 24, 2007) and determine entry of the replacement drawings filed October 23, 2007 (and resubmitted October 24, 2007). It is specifically noted that the replacement drawings cannot be entered pursuant to 37 CFR 1.57(a) as they were not present in the prior application. Rather, the examiner must determine whether the replacement drawings contain new matter.

Telephone inquiries related to this decision may be directed to Nancy Johnson, Senior Petitions Attorney at (571) 272-3219.

Anthony Knight
Supervisor
Office of Petitions

[1] Pursuant to a subsequently withdrawn prior decision (mailed January 22, 2008), the filing date was corrected and a corrected filing receipt showing a filing date of December 4, 2006 was issued on February 4, 2008. All requirements for a filing date now having been met, this decision ratifies that filing receipt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT COUNSEL
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SCHLUMBERGER TECHNOLOGY CORPORATION
14910 AIRLINE ROAD
ROSHARON TX 77583

MAILED

JUL 13 2009

OFFICE OF PETITIONS

In re Application of
Warren M. Zemlak et al
Application No. 11/566,258
Filed: December 4, 2006
Attorney Docket No. 69.5709

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

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed May 15, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **GRANTED.**

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

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

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

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

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

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.

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3671 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.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

cc:

ROBERTS MLOTKOWSKI SAFRAN & COKE, P.C.
7918 JONES BRANCH DRIVE
SUITE 500
MCLEAN, VA 22102

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
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/566,258	12/04/2006	3671	1130	69.5709	12	2

CONFIRMATION NO. 5670

CORRECTED FILING RECEIPT

Patent Counsel
Schlumberger Reservois Completions
Schlumberger Technology Corporation
14910 Airline Road
Rosharon, TX 77583

Date Mailed: 07/10/2009

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

Applicant(s)

Warren M. Zemlak, Moscow, RUSSIAN FEDERATION;
John A. Kerr, St Nom La Breteche, FRANCE;

Assignment For Published Patent Application

SCHLUMBERGER TECHNOLOGY CORPORATION, Sugar Land, TX

Power of Attorney:

Henry Ehrlich--25055
Clarence Eriksen--27734
Robert Van Someren--36038
Dan Hu--40025
Fred Pruner Jr--40779
Jaime Castano--41660
George Georgellis--43632
Kevin McEnaney--46258
T Liang--48885
Bryan Galloway--50312

Domestic Priority data as claimed by applicant

This application is a CIP of 10/709,322 04/28/2004 PAT 7,264,057
which is a CON of 09/920,896 08/02/2001 PAT 6,763,889
which claims benefit of 60/225,230 08/14/2000
and claims benefit of 60/225,440 08/14/2000
and claims benefit of 60/225,439 08/14/2000
This application 11/566,258
claims benefit of 60/745,364 04/21/2006

Foreign Applications

If Required, Foreign Filing License Granted: 01/31/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/566,258**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

Apparatus for Subsea Intervention

Preliminary Class

166

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

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MONTREAL QC H3A-1X6 CA CANADA

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FEB 16 2010

OFFICE OF PETITIONS

In re Application of :
Jean-Louis GAUVREAU :
Application No. 11/566,272 : DECISION ON PETITION
Filed: December 04, 2006 :
Attorney Docket No. **7868-025** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 27, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, May 12, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 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 an amendment, (2) the petition fee of $810, and (3) an adequate statement of unintentional delay. Accordingly, the response to the non-final Office action of May 12, 2009 is accepted as having been unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

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

This application is being referred to Technology Center AU 2617 for appropriate action on the concurrently filed amendment.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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MURATA MANUFACTURING COMPANY, LTD.
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Shinji Kato	: DECISION ON REQUEST FOR
Patent Number	: 7636229	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/566,273	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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NAVAL RESEARCH LABORATORY
ASSOCIATE COUNSEL (PATENTS)
CODE 1008.2
4555 OVERLOOK AVENUE, S.W.
WASHINGTON, DC 20375-5320

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OFFICE OF PETITIONS

In re Application of

MASTRO, Michael A. et al.
Application No. 11/566,288
Filed: December 04, 2006
Attorney Docket No. **97563-US1**

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 04, 2008.

The request is **APPROVED**.

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

The request was signed by Rae Lynn P. Guest. The undersigned attorney has been withdrawn; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There are no outstanding office actions at this time.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **RAE LYNN GUEST**
UNITED STATES PATENT AND TRADMARK OFFICE
BPAI
600 DULANY STREET
ALEXANDRIA, VA 22313

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PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN, TX 78701-4039

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OFFICE OF PETITIONS

In re Application of :
Stoschek et al. :
Application No. 11/566299 :
Filing or 371(c) Date: 12/04/2006 :
Attorney Docket Number: :
070255.0691 :

DECISION
ON PETITION

This is a decision on the "Petition in Response to Notice of Incomplete Nonprovisional Application", filed May 8, 2007, requesting the above-identified application be accorded a filing date of December 4, 2006, based upon Applicant's assertion that drawings are not necessary for an understanding of the subject matter sought to be patented. Applicant has filed drawings with the present petition. The petition is properly treated under 37 CFR 1.53(e). The delay in treating this petition is regretted.

The petition is granted to the extent indicated herein.

The application was filed on December 4, 2006. On March 1, 2007, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant's assertion

Applicant responds with the present petition and avers that drawings are not necessary for an understanding of the subject matter sought to be patented. A review of the claims reveals that the claims are not of a type for which this Office considers drawings unnecessary for an understanding of the invention. 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).

Examiner review

In view of the above, the application was forwarded to a Supervisory Patent Examiner in the relevant Art who has determined that the drawings are necessary for an understanding of the subject matter sought to be patented.
Applicant has demonstrated receipt by this Office of Figure 10 on October 12, 2006.

Incorporation by reference

A further review of the application file reveals that the application incorporated by reference the entire contents of provisional application no. 60/741,301. A review of provisional application reveals that the application contains drawings. Therefore, based upon applicant's incorporation by reference of the contents of the provisional application on filing of the present application, a filing date of December 4, 2006 may be accorded the present application. Applicant must file an amendment to include the inadvertently omitted drawing(s). The Examiner will address any issues of new matter.

Because the petition was not necessitated by an error on the part of this Office, the petition fee will not be refunded[1].

Conclusion

This application is being forwarded to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of December 4, 2006, using the application papers present on that date.

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

Derek L. Woods
Attorney
Office of Petitions

[1] The original specification refers to drawings in the detailed description.

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SMITH-HILL AND BEDELL, P.C.
16100 NW CORNELL ROAD, SUITE 220
BEAVERTON OR 97006

MAILED

FEB 23 2009

OFFICE OF PETITIONS

In re Application of :
Davies :
Application No. 11/566,306 : DECISION ON PETITION
Filed: December 4, 2006 :
Attorney Docket No. SAND 3537 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 27, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned January 10, 2009 for failure to timely pay the issue and publication fees, as required by the Notice of Allowance and Fee(s) Due, mailed October 9, 2008 Notice of Abandonment was mailed January 29, 2008.

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

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

This application is being referred to the Office of Patent Publication for further processing.

/ALESIA M. BROWN/
Alesia M. Brown
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

CONVATEC INC.
100 HEADQUARTERS PARK DRIVE
SKILLMAN NJ 08558

In re Application of :
John L. Blum :
Application No. 11/566,331 : DECISION ON PETITION
Filed: December 4, 2006 :
Attorney Docket No. CV0375 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 25, 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, December 10, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 11, 2009.

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

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

This application is being referred to Technology Center AU 3761 for appropriate action by the Examiner in the normal course of business.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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ONE RESEARCH CIRCLE
PATENT DOCKET RM. BLDG. K1-4A59
NISKAYUNA, NY 12309

Mail Date: 05/04/2010

Applicant	: Hai Yang	: DECISION ON REQUEST FOR
Patent Number	: 7638216	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/566,347	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **488** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Robert D. Fish
Rutan & Tucker LLP
611 Anton Blvd. 14th Floor
Costa Mesa, CA 92626-1931

In re application of : **DECISION ON PETITION**
Scott Struthers et al. : **TO MAKE SPECIAL FOR**
Application No. 11/566,365 : **NEW APPLICATION**
Filed: December 4, 2006 : **UNDER 37 CFR 1.102**
For: DEVICES AND METHODS FOR FLANGELESS INSTALLATIONS

This is a decision on the petition filed on December 4, 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

This application is a continuation of application 11/548,381 which itself contained a petition to make special based upon the above accelerated examination criteria. The petition in that case was dismissed for failing to: provide an adequate search since the classification search was misdirected; provide an adequate text search as the search logic was deemed to be insufficient; and finally, provide a detailed explanation of the limitations of each of the claims contained in each of the 16 cited references, and a detailed explanation of how the claims are patentable over these references.

The petition in this case fails to comply with conditions II.5.2, II.6.2, and II.6.3, above.

As to condition II.5.2, the applicant, in response to the requirements made in the dismissal of the petition in the parent application, expanded the classification search to include the class and subclasses where the invention is properly classified, and expanded the search logic used in the text searches of the databases searched. These additional listed areas of search would appear to comply with the deficiencies in search areas outlined in the dismissal of the petition in the parent application. However, as a result of this more targeted and relevant search, not a single reference was apparently found which would be deemed to be relevant to the claimed invention. Indeed, the 16 references previously submitted in the parent application have now been reduced down to a single reference. Given the breadth of the claimed subject matter, the finding of not a single additional reference is an indication that the evaluation of the search results fails to be directed to, and encompass all of the features of, the claims, giving the claims **the broadest reasonable interpretation**, as required.

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.

As to conditions II.6.2 and II.6.3, as was noted above, instead of the 16 submitted references deemed most closely related to the subject matter of each of the claims in parent application 11/548,381, this application contains only a single reference. Since the disclosures, including the claims, of both 11/548,381 and this child application are identical, it is not seen why the references which petitioner has averred to be most closely related to the claims of the parent application are not likewise most closely related to the identical claims in this continuing application. Applicant is also reminded that filing a petition to make special does not absolve the duty to disclose information material to patentability under 37 CFR 1.56. Petitioner has provided no explanation as to why the removed references are no longer most closely related to the claimed

invention. Absent a good explanation, it is deemed that 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. Each of the 16 pieces of prior art that have been previously submitted in the parent application must include the required listing of claim limitations shown the references, as well as include a detailed explanation of how the claims are patentable over the references in this application. These references additionally would need to be submitted in this case as an Information Disclosure Statement (IDS) as part of the Accelerated Examination Support Document (AESD). An explanation furthermore needs to be made to specify whether the dependent claims are separately patentable beyond the limitations contained in the independent claims, and if so how, or a statement made that the dependent claims are not separately patentable. 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/.

Finally, it is noted that in this petition the Examination Search Document and the AESD both lack a signature. Although the petition itself has a signature, the above documents have unsigned signature boxes that would indicate that these are to be separately signed. It is noted that both documents were separately signed in the parent application. The lack of the above signatures raises a question as to whether the practitioner is submitting these papers as per 37 CFR 10.18. Since the Examination Search Document includes a statement that the search was made in good faith, and since this statement is critical in case there is some situation in which the application may need to be referred to Office of Enrollment and Discipline (OED), a separate signature is seen as being needed.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

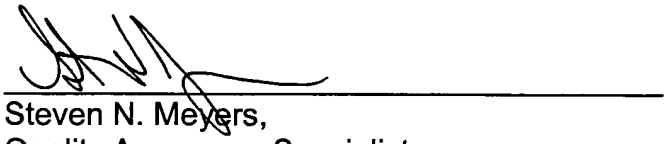
DECISION

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 Quality Assurance Specialist Steven N. Meyers, at (571) 272-6611.



Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 1/16/07

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Robert D. Fish
Rutan & Tucker LLP
611 Anton Blvd. 14th Floor
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In re application of : **DECISION ON PETITION**
Scott Struthers et al. : **TO MAKE SPECIAL FOR**
Application No. 11/566,365 : **NEW APPLICATION**
Filed: December 4, 2006 : **UNDER 37 CFR 1.102**
For: DEVICES AND METHODS FOR FLANGELESS INSTALLATIONS

This is a decision on the renewed petition filed on February 20, 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**.

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on December 4, 2006. That petition was dismissed in a decision mailed January 17, 2007 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

The reasons for the dismissal included a finding of inadequate search and an inadequate Support Document. Specifically, with respect to the search, the search was deemed to have not given the claims the broadest reasonable interpretation. As was pointed out in the previous decision:

> These additional listed areas of search would appear to comply with the deficiencies in search areas outlined in the dismissal of the petition in the parent application. However, as a result of this more targeted and relevant search, not a single reference was apparently found which would be deemed to be relevant to the claimed invention. Indeed, the 16 references previously submitted in the parent application have now been reduced down to a single reference. Given the breadth of the claimed subject matter, the finding of not a single additional reference is an indication that the evaluation of the search results fails to be directed to, and encompass all of the features of, the claims, giving the claims **the broadest reasonable interpretation**, as required.

Regarding this deficiency applicants remarks in part deal with an "internet telephone adapter", believed to be a typo. However, the arguments relevant to this case appear to

be applicant's contention that a preexamination search must be done but that there is no requirement that a reference be found. A proper preexamination search is not solely going through the motions of looking in the proper locations where art is likely located, but additionally the knowledge of the scope of the claimed invention and art such that relevant art may be identified. Indeed, the intent of this Accelerated Examination avenue is to allow the applicant to jump to the head of the pack and achieve a final decision in one year or less, but in trade for this benefit one of intended requirements is to have the examiner provided with a substantial amount of the best relevant art. That is not the case here. Applicant argues that the petition should not be dismissed solely on the basis of a lack of references. The petition has not been so decided. Applicant's submission of a single reference is taken into consideration with the scope of applicant's claimed invention. The claims are seen as extremely broad. Much of the subject matter claimed in the dependent claims would appear to be well-known or conventional, and the lack of any art indicates that the applicant may have searched the disclosure rather than the **claimed** invention. To say, given the scope of applicant's claims, that there is only a single relevant reference strains credulity. Since it needs to be assumed that the applicant is making a good faith attempt to locate all relevant art, the only conclusion is that the broadest reasonable interpretation of the claimed invention has not been used in the search.

As to the Support Document, there was 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. The lack of addressing previously provided references that were deemed to be material to the claimed invention in the parent case was also seen as causing a deficiency. As was pointed out in the previous decision:

> Instead of the 16 submitted references deemed most closely related to the subject matter of each of the claims in parent application 11/548,381, this application contains only a single reference. Since the disclosures, including the claims, of both 11/548,381 and this child application are identical, it is not seen why the references which petitioner has averred to be most closely related to the claims of the parent application are not likewise most closely related to the identical claims in this continuing application. Applicant is also reminded that filing a petition to make special does not absolve the duty to disclose information material to patentability under 37 CFR 1.56. Petitioner has provided no explanation as to why the removed references are no longer most closely related to the claimed invention. Absent a good explanation, it is deemed that 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. Each of the 16 pieces of prior art that have been previously submitted in the parent application must include the required listing of claim limitations shown the references, as well as include a detailed explanation of how the claims are patentable over the references in this application. These references additionally would need to be submitted in this case as an Information Disclosure Statement (IDS) as part of the Accelerated Examination Support Document (AESD). An explanation furthermore needs to be made to specify whether the dependent claims are separately patentable beyond the limitations contained in the independent claims, and if so how, or a statement made that the dependent claims are not separately patentable.

Regarding this deficiency, applicant argues that the removal of the references previously cited in the parent application with substantially identical claims and specification was cleared in a phone conversation with Pinchus Laufer, on detail to the Office of Patent Legal Administration. Mr. Laufer correctly explained the **mechanism**

for eliminating references from consideration in an Accelerated Examination petition, but in no way did Mr. Laufer condone the practice as being acceptable in this case. In some instances such a removal of art may be justified and appropriate, but Mr. Laufer did not perform an analysis to determine it's propriety in this case. Applicant's reasoning for why the references were removed appears to be that he was unaware that the references would need to be explained and that such a requirement would be unduly burdensome to provide an analysis for references irrelevant to the claimed invention. Initially, while it may be burdensome to provide the required analysis, this is what is required and a burden that all other petitioners under this procedure are complying with. Second, it is not seen why applicant is ever providing references not relevant to the claimed invention. Finally, the requirement above, that:

> An explanation furthermore needs to be made to specify whether the dependent claims are separately patentable beyond the limitations contained in the independent claims, and if so how, or a statement made that the dependent claims are not separately patentable,

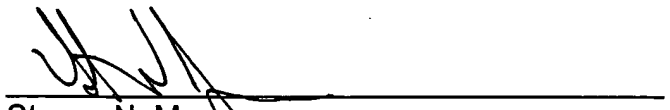
has not been addressed in this renewed petition.

In summary, while the removal of references previously indicated as relevant to the claimed invention; the finding of only a single reference during an initial search which missed the best locations; and the finding of no additional references when a search of the correct areas was completed, each taken alone, are not the reason for the denial of this renewed petition. None of these occurrences were viewed in a vacuum. However, given the scope of applicant's claimed invention, no reasonable person could agree that the single reference submitted by the applicant qualifies as anything approaching a complete search of the claimed invention giving the claims the broadest reasonable interpretation. The elimination of previously submitted references given the above situation only adds to the conclusion that applicant has not met the requirements to have the petition to make special granted.

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.

Petitioner is reminded that a only single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Steven N. Meyers at (571) 272-6611.



Steven N. Meyers
Quality Assurance Specialist
Technology Center 3600

snm/snm 3/10/07

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MINNEAPOLIS MN 55402

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AUG 28 2007

OFFICE OF PETITIONS

In re Application of	:	
Solberg et al.	:	
Application Number: 11/566376	:	DECISION ON PETITION
Filing or Deposit Date:	:	
12/4/2006	:	
Attorney Docket Number:	:	
150.138US2	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 4 December, 2006.

The petition is **DISMISSED AS MOOT**.

In accordance with 37 CFR 1.63(d), petitioner has submitted a copy of the executed oath or declaration filed in Application No. 08/362,662, filed on 22 December, 1994, of which the instant filing is a continuation application. Furthermore, a copy of the decision, mailed on 28 May, 1996, granting a petition to accord § 1.47(a) status to prior application No. 08/362,662, has been placed in the file of the present application.

As Rule 1.47(a) status was granted in the prior application, this application is hereby accorded Rule 1.47(a) status.

As no petition is necessary to accord Rule 1.47(a) status in this application, the petition is dismissed as moot.

As provided in Rule 1.47(c), since notice was provided after the grant of Rule 1.47(a) status in the prior application, the Office is dispensing with the notice provision in this divisional application.

No petition fee is due.

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

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Yanwen Weng et al. :
Application No. 11/566,378 : DECISION ON PETITION
Filed: December 4, 2006 : TO WITHDRAW
Attorney Docket No. 7059712001 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 21, 2008.

The request is **NOT APPROVED** because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to Robert M. Meeks and all attorneys/agents associated with customer number 20792 has been revoked by the assignee of the patent application on April 4, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Mindray c/o Bingham McCutchen, LLP
Three Embarcadero Center
San Francisco, CA 94111-4067

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1-23-07

In re application of :
Dov Z. Gluckman et al :
Serial No. 11/566,419 : DECISION ON PETITION
Filed: December 4, 2006 : TO MAKE SPECIAL
For: BEVERAGE MAKING APPARATUS :

This is a decision on the petition filed on December 4, 2006 to make the above-identified application special under the accelerated examination program.

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 USC 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 USC 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 1-4) are considered to have been met. However, the petition fails to comply with condition II, subsections 5 and 6.

First, it appears that the search is incomplete. Note that a search in Class 99 / Subclass 302P is also required.

Furthermore, on page 4 of the Accelerated Examination Support Document (AESD), petitioner states that the four references discussed in the AESD appear to be the most closely related to the subject matter of the claims, and that the prior art presented in Attachments A, B and C are either cumulative, or not as close, to the those four references discussed in detail in the AESD. Note, however, that there is a presumption 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/566,419	12/04/2006	Dov Z. Glucksman	A85-028CON	5939

34021 7590 04/05/2007

GEORGE A. HERBSTER
40 BEACH STREET
SUITE 303
MANCHESTER, MA 01944

EXAMINER	
ART UNIT	PAPER NUMBER
1761	

MAIL DATE	DELIVERY MODE
04/05/2007	PAPER

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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CST

4-5-07

In re application of :
Dov Z. Gluckman et al :
Serial No. 11/566,419 : DECISION ON REQUEST
Filed: December 4, 2006 : FOR RECONSIDERATION
For: BEVERAGE MAKING APPARATUS :

This is a decision on the request for reconsideration filed on February 22, 2007 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 **DENIED.**

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on December 4, 2006. That petition was dismissed in a decision mailed January 23, 2007, wherein a non-extendable period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

The reasons for the dismissal were (1) that the search was incomplete; and (2) that the petitioner had failed to identify where each and every limitation of the claims is disclosed in the cited references, specifically those references presented in Attachments A, B and C.

A review of the Request for Reconsideration submitted February 22, 2007 shows that a search in the required area has been completed.

However, the Request for Reconsideration does not address each of the references discussed in Attachments A, B and C. Instead, petitioner takes the position that the submission of "copies" of other Information Disclosure Statements in the attachments was not intended to be a submission of the documents in the present continuation application, and that applicants submitted the attachments with the objective of averting a spurious third-party allegation that applicants somehow failed to comply with their duty under 37 CFR 1.56.

MPEP 708.02(a) specifically sets forth that for each reference cited, the accelerated examination support document (AESD) must include 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 (section I, subsection (I)(2)). While applicant does state in the request for reconsideration that submission of the copies of the IDS's was not intended to be, and should not be construed as being a submission of those documents in the present continuation, as applicant did provide the unsigned "copies" of these IDS's , it appears that they were effectively submitted for the examiner's consideration in the present application, and as such should be discussed in accordance with MPEP 708.02(a), I, I, 2.

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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AUG 12 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of
HIRANO, YASUHIKO, et al.
Application No. 11/566,431
Filed: December 4, 2006
Attorney Docket No. **01272.122697**

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 June 23, 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:

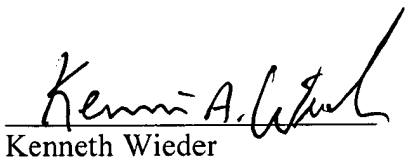
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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

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BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-706

JAN 11 2007

In re Application of:
VAN DE VEN *et al.*
Serial No.: 11/566,440
Filed: December 04, 2006
Docket: **931_035 NP**
Title: **LIGHTING DEVICE AND LIGHTING METHOD**

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 December 04, 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 filed 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 I.1-3; II.1- 6.6, above are considered to have been met. However, the petition fails to comply with conditions I. 4, above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of I.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.. A review of the application file reveals that there are 5 independent claims. Those claims are 1, 11, 12, 13 and 18. Although claims 11-13 appear to be dependent claims in form which depend on claim 1, they are in fact, independent claims directed to different inventions where a shorthand method of including the limitations of claim1 has been used instead of reproducing all the limitations of claim 1. (see MPEP 608.01(n)II and 37 CFR 1.75(c))

For these reasons, the petition does not meet the requirements of I. 4, as set forth above.

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 Clayton E. LaBalle, Special Program Examiner, at (571) 272-1594.

Clayton E. LaBalle
Special Program Examiner
Technology Center 2800

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FEB 23 2007

In re Application of:
VAN DE VEN et al.
Serial No.: 11/566,440
Filed: December 04, 2006
Docket: 931_035 NP
Title: LIGHTING DEVICE AND LIGHTING METHOD

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This communication is a reply to the "Request for Reconsideration of Decision on Petition to Make Special" filed January 24, 2007. The Request is being treated as a petition requesting reconsideration of the previous decision of January 11, 2007, dismissing the petition to make special under 37 C.F.R. §1.102(d) filed December 04, 2006.

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 C.F.R. §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 C.F.R. §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.

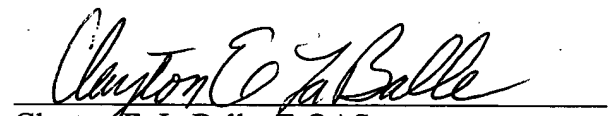
   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

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 C.F.R. §1.181, §1.182 or §1.183), 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. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

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 the undersigned at (571) 272-1594.



Clayton E. LaBalle, T-QAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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Banner & Witcoff, Ltd.
28 State Street
28th Floor
Boston, MA 02109-9601

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AUG 11 2009

OFFICE OF PETITIONS

In re Application of :
Corky Faulks Newcomb :
Application No. 11/566,445 : DECISION ON PETITION
Filed: December 4, 2006 : TO WITHDRAW
Attorney Docket No. 004503.00013 : FROM RECORD
:

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 22, 2009.

The request is **APPROVED**.

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

The request was signed by Ernest V. Linek on behalf of all attorneys/agents associated with customer number 22910. All attorneys/agents associated with customer number 22910 have been withdrawn.

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

The correspondence address has been changed and is copied below.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Corky Newcomb
6 Pickpoint Road
Mirror Lake, NH 03853

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/566,445	12/04/2006	CORKY FAULKS NEWCOMB	004503.00013

CONFIRMATION NO. 5987

POWER OF ATTORNEY NOTICE

22910
BANNER & WITCOFF, LTD.
28 STATE STREET
28th FLOOR
BOSTON, MA 02109-9601

OC00000037298504

Date Mailed: 08/11/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/22/2009.

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

/kainabinet/

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

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SENNIGER POWERS LLP
100 NORTH BROADWAY
17TH FLOOR
ST LOUIS, MO 63102

Mail Date: 04/20/2010

Applicant	: James E. Ealer SR.	: DECISION ON REQUEST FOR
Patent Number	: 7650720	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/566,446	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **489** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA NY 12309

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JUN 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Srivastava et al.	:	
Application No. 11/566,467	:	DECISION ON PETITION
Filed: December 4, 2006	:	
Attorney Docket No. 208196-1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed June 26, 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 27, 2009. A Notice of Abandonment was mailed January 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a response to the Restriction Requirement, (2) the petition fee of $1,620.00 and (3) a proper statement of unintentional delay.

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

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

This application is being referred to Technology Center AU 1793 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions

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JAN 26 2007

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

RUTAN & TUCKER, LLP
Robert D. Fish
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

In re Application of:
Sean RYAN, et al.
Serial No.: 11/566,474
Filed: December 4, 2006
Docket: **101396.0001US2**
Title: **VOIP WITH LOCAL CALL ACCESS**

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 December 4, 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 filed 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

This application is a continuation of application 11/538,354 which itself contained a petition to make special based upon the above accelerated examination criteria. The petition in that case was dismissed for failing to: provide an adequate search since the classification search was unduly limited; provide an adequate text search as the preexamination search logic was deemed to be unduly limiting; and finally, provide a detailed explanation of the limitations of each of the claims contained in each of the fifteen cited references, and a detailed explanation of how the claims are patentable over these references.

The petition in this case fails to comply with conditions set forth under section II, items 5.2 and 6.2 and 6.3. above.

As to the condition set forth in item 5.2, the applicant, in response to the requirements made in the dismissal of the petition in the parent application, expanded the classification search to include the class and subclasses where the invention is properly classified, and expanded the search logic used in the text searches of the databases searched. These additional listed areas of search would appear to comply with the deficiencies in search areas outlined in the dismissal of the petition in the parent application. However, as a result of this more targeted and relevant search, not a single reference was apparently found which would be deemed to be relevant to the claimed invention. Indeed, the fifteen references previously submitted in the parent application have now been reduced down to a single reference. Given the breadth of the claimed subject matter, the finding of not a single additional reference is an indication that the evaluation of the search results fails to be directed to, and encompass all of the features of, the claims, giving the claims **the broadest reasonable interpretation**, as required.

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.

As to the conditions set forth in items 6.2 and II.6.3, as was noted above, instead of the fifteen submitted references deemed most closely related to the subject matter of each of the claims in parent application 11/538,354, this application contains only a single reference. Since the disclosures, including the claims, of both 11/538,354 and this child application are identical, it is not seen why the references which petitioner has averred to be most closely related to the claims of the parent application are not likewise most closely related to the identical claims in this continuing application. Applicant is also reminded that filing a petition to make special does not absolve the duty to disclose information material to

patentability under 37 CFR 1.56. Petitioner has provided no explanation as to why the removed references are no longer most closely related to the claimed invention. Absent a good explanation, it is deemed that there is not an adequate listing of all the limitations in each of the claims that are disclosed in each of the 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. Each of the fifteen pieces of prior art that have been previously submitted in the parent application must include the required listing of claim limitations shown in the references, as well as include a detailed explanation of how the claims are patentable over the references in this application. These references additionally would need to be submitted in this case as an Information Disclosure Statement (IDS) as part of the Accelerated Examination Support Document (AESD). An explanation furthermore needs to be made to specify whether the dependent claims are separately patentable beyond the limitations contained in the independent claims, and if so how, or a statement made that the dependent claims are not separately patentable. 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/.

Finally, it is noted that in this petition the Examination Search Document and the AESD both lack a signature. Although the petition itself has a signature, the above documents have unsigned signature boxes that would indicate that these are to be separately signed. It is noted that both documents were separately signed in the parent application. The lack of the above signatures raises a question as to whether the practitioner is submitting these papers as per 37 CFR 10.18. Since the Examination Search Document includes a statement that the search was made in good faith, and since this statement is critical in case there is some situation in which the application may need to be referred to Office of Enrollment and Discipline (OED), a separate signature is seen as being needed.

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 Krista Zele, Quality Assurance Specialist, at (571) 272-7288.

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FEB 12 2007

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Hani Z. Sayed, Esq.
c/o Rutan & Tucker, LLP
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

In re Application of: Sean RYAN, et al. Serial No.: 11/566,474 Filed: December 4, 2006 Docket: **101396.0001US2** Title: **VOIP WITH LOCAL CALL ACCESS**	CORRECTED 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 corrected decision on the petition filed on December 4, 2006 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The decision mailed January 26, 2007 is hereby VACATED. The Office sincerely regrets any inconvenience to applicant.

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

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application was not complete at the time of filing. A review of the file finds that a Notice to File Corrected Application Papers was mailed on December 13, 2006 to inform applicant that the drawings as filed are not labeled consistently with the drawings referenced in the specification. According to the "Changes to Practice for Petitions in Patent Applications To Make Special and for Accelerated Examination" (71 Fed. Reg. 36323 - 26Jun2006), the section "Conditions for Examination" set forth under item (F) that drawings must be in compliance with 37 CFR 1.84. For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-7288.

Krista Zele
Quality Assurance Specialist
Technology Center 2600

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RUTAN & TUCKER, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of :
RYAN, Sean et al. :
Application No. 11/566,474 : DECISION ON PETITION
Filed: December 04, 2006 : TO WITHDRAW
Attorney Docket No. **101396.0001US2** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 11, 2008.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed.

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

CFR 10.40(c). The reasons set forth in the request, [attorney and agents left this customer number 3/3/2007], 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 Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **ROBERT FISH**
FISH & ASSOCIATES, PC
2603 MAIN STREET, SUITE 1050
IRVINE CA 92614

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OFFICE OF PETITIONS

TASER INTERNATIONAL, INC.
17800 N. 85TH STREET
SCOTTSDALE AZ 85255-9603

In re Application of
Magne H. Nerheim
Application No. 11/566,506
Filed: December 4, 2006
Attorney Docket No: **101.00270**

: DECISION ON PETITION

This is a decision on the filing date petition filed March 29, 2007. On petition, applicants acknowledge inadvertently omitting the drawings with the application as filed. Applicants request that the copy of the drawings filed in US application 10/364,164 be entered in the above-identified application in accordance with 37 CFR 1.57(a)(3).

37 CFR § 1.57 provides that:
(a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

(1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:

(i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;

(ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

(iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

...(3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

.....

However, the petition does not include an amendment submitting the omitted material. (The preliminary amendment filed March 29, 2007 is not directed to submitting the omitted material).

In view thereof, the petition under §1.57 must be DISMISSED.

Petitioner is given TWO (2) MONTHS from the mailing date of this decision to supply an amendment in compliance with 1.121 and 1.57(a) or otherwise, properly respond. This period is not extendable. See 37 CFR 1.181(f).

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions ATTN: Patricia Faison-Ball
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Charles Pearson
Director
Office of Petitions

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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET, SUITE 2100
SAN DIEGO, CA 92101

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SEP 1 0 2008

OFFICE OF PETITIONS

In re Application of :
Carl **MILLER** :
Application No. 11/566,526 : DECISION ON PETITION
Filed: December 4, 2006 : TO WITHDRAW
Attorney Docket No. 108329-106UTL : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 25, 2008.

The request is **NOT APPROVED.**

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

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

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: DRIVECAM, INC.
8911 BALBOA AVENUE
SAN DIEGO, CA 92123

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

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JUN 01 2010

OFFICE OF PETITIONS

In re Application of :
Brantley W. Coile, et al. :
Application No.: 11/566,559 : ON PETITION
Filed: December 4, 2006 :
Attorney Docket No.: 062891.2325 :

This is a decision on the petition, filed May 28, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED as moot.**

Unfortunately, the petition was not referred to the appropriate official for a decision until June 1, 2010, the date upon which the above-identified application issued as U.S. Patent No. 7,730,190.

Any inconvenience caused petitioner is regretted; however, petitioner's attention is directed to 37 CFR 1.313(d) which states that "A petition under this section [37 CFR 1.313(c)] will not be effective to withdraw the application from issue **unless it is actually received and granted by the appropriate officials before the date of issue**" (emphasis in bold). In this instance, the May 28, 2010 petition was not received by the appropriate official until the date of issuance of U.S. Patent No. 7,730,190 on June 1, 2010. See also MPEP 1308, which states, in pertinent part:

> "**The Office cannot ensure that any petition under 37 CFR 1.313(c)** [filed after payment of the issue fee] **will be acted upon prior to the date of patent grant.** See *Filing of Continuing Applications, Amendments, or Petitions after Payment of Issue Fee*, Notice, 1221 Off. Gaz. Pat. Office 14 (April 6, 1999) . . . **applicants are strongly cautioned to file any desired RCE prior to payment of issue fee.** In addition, **applicants considering filing a RCE after payment of the issue fee are strongly cautioned to call the Office of Petitions to determine whether sufficient time remains** before the patent issue date to consider (and grant) a petition under 37 CFR 1.313(c) and what steps are needed to ensure that a grantable petition under 37 CFR 1.313(c) is before

an appropriate official in the Office of Petitions in sufficient time to grant the petition before the patent is issued" (emphasis in bold).

While petitions to withdraw from issue may be sent electronically, as was done in this case, applicants were cautioned to hand carry or fax petitions to withdraw from issue directly to the Office of Petitions to allow sufficient time to process the petition. *(See Revised Procedures for Papers Requiring Immediate Attention (Hand-Carried and Facsimile Transmissions), 1279 Off. Gaz. Pat. Office 149 (Feb. 24, 2004); Revised Procedures for Papers Requiring Immediate Attention, 1280 Off. Gaz. Pat. Office 917 (March 23, 2004).*

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of the instant application into a patent on June 1, 2010. The RCE and the information disclosure statement (IDS) will be placed in the file of the above-identified application without further consideration. See 37 CFR 1.97(I). The $810 RCE filing fee paid on May 28, 2010 is being credited to counsel's deposit account.

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

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Lei He
Application No. 11/566,573
Filed: December 4, 2006
Attorney Docket Number: UCO4-645-4US

ON PETITION

This is a decision on the petition, filed February 11, 2010 under 37 CFR 1.137(b)[1], to revive the above identified application.

The petition is **GRANTED**.

While the issue fee was paid with a certificate of mail dated January 19, 2010, this application became abandoned January 21, 2010 for failure to file corrected drawings in response to the Notice of Allowability mailed on October 20, 2009. Accordingly, the Notice of Abandonment was mailed on February 4, 2010.

All other requirements of 37 CFR 1.137(b) having now been met, this matter is being referred to the Publishing Division to be processed into a patent.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

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

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

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

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

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

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MAR 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Brian E. Brooks, et al.	:	
Application No. 11/566,578	:	DECISION GRANTING PETITION
Filed: December 4, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 62630US002	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 26, 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 October 8, 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 1623 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the previously 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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JUN 22 2009

SCHLUMBERGER TECHNOLOGY CORPORATION
200 Gillingham Lane, MD1
Sugar Land, TX 77478

In re Application of Peter T. Wu et al Application No. 11/566,600 Filed: December 4, 2005 For: METHOD AND SYSTEMS FOR COMPRESSING SONIC LOG DATA	: : : : :	PETITION TO ACCEPT COLOR DRAWINGS/PHOTOGRAPHS

This is a decision on applicant's petition under 37 CFR 1.184(A)(2) filed April 12, 2009 to accept color drawings/photographs.

For the acceptance of color drawings in accordance with 37 CFR 1.184(A)(2), a petition is required which fulfills the following requirements:

(i) The appropriate fee set forth in 1.17(h),
(ii) three (3) sets of color drawings/photographs, and
(iii) amending the specification 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 photography. Copies of this patent with color photographs will be provided by the Patent and Trademark Office upon request and payment of necessary fee."

The petition fails to meet the requirements of 37 CFR 1.184(A)(2), specifically section (iii). The petition is **DENIED**.

Any questions or comments with respect to the decision should be forwarded to Supervisory Patent Examiner, Jack Keith at the number listed below.

Jack Keith
Supervisory Patent Examiner
Art Unit 3663
(571) 272-6878

jwk: 6/21/09

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NOV 2 3 2009

SCHLUMBERGER K.K>
2-2-1 Fuchinobe, Sagamihara-shi, Kanagawa-ken
229-0006 Japan

In re Application of Peter Wu et al Application No. 11/566,600 Filed: December 04, 2006 For: METHODS AND SYSTEMS FOR COMPRESSING SONIC LOG DATA	: : : : :	PETITION TO ACCEPT COLOR DRAWINGS/PHOTOGRAPHS

This is a decision on applicant's request for reconsideration of the petition under 37 CFR 1.184(A)(2) filed June 22, 2009 to accept color drawings/photographs.

For the acceptance of color drawings in accordance with 37 CFR 1.184(A)(2), a petition is required which fulfills the following requirements:

(i) The appropriate fee set forth in 1.17(h),
(ii) three (3) sets of color drawings/photographs, and
(iii) amending the specification 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 photography. Copies of this patent with color photographs will be provided by the Patent and Trademark Office upon request and payment of necessary fee."

Having met the requirements of 37 CFR 1.184(A)(2), the petition is **GRANTED**.

Any questions or comments with respect to the decision should be forwarded to Supervisory Patent Examiner, Jack Keith at the number listed below.

Jack Keith
Supervisory Patent Examiner
Art Unit 3663
(571) 272-6878

jwk: 11/23/09

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OFFICE OF PETITIONS

COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON, DC 20001

In re Application of	:	
Fernando Gustavo Tomasel, et al.	:	
Application No. 11/566,610	:	DECISION ON PETITION
Filed: December 4, 2006	:	TO WITHDRAW
Attorney Docket No. ADEN-016/00US/AE2006-003	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed July 6, 2007.

The request is **DISMISSED** as moot.

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

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

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

April M. Wise
Petitions Examiner
Office of Petitions

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

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

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MAR 16 2007

OFFICE OF PETITIONS

In re Application of :
Edward E. Horton III et al. :
Application No. 11/566,612 : DECISION ON PETITION
Filed: December 4, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 1507.005 : 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 a copy of the applicant Edward E. Horton's III 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 3617 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Sadler, Breen, Morasch & Colby, ps
422 W. Riverside Ave, Suite 424
Spokane, WA 99201

Mail Date: 04/27/2010

Applicant	: Ynjiun P. Wang	: DECISION ON REQUEST FOR
Patent Number	: 7635084	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/566,661	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/19/09

TO SPE OF : ART UNIT 2855 Caputo Lisa (Spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/566664 Patent No.: 7534035

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Certificates of Correction Branch

703-308-9390 ext. _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

SPE

2855
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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GROOVER/UNASSIGNED
BOX 802889
DALLAS, TX 75380

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MAY 12 2008

In re Application of :

ELHAMIAS, et al. :
Application No. 11/566,685 : DECISION ON PETITION
Filed: December 4, 2006 : TO WITHDRAW
Attorney Docket No. **10519/589 (SDK-0825X)** : FROM RECORD
:

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 Robert O. Groover, III on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **REUVEN ELHAMIAS**
883 PIPPIN AVENUE
SUNNYVALE, CA 94087

cc: **BRINKS HOFER GILSON & LIONE**
455 N. CITYFRONT PLAZA, SUITE 3600
CHICAGO, IL 60611-5599

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

COPY MAILED

MAR 2 0 2009

OFFICE OF PETITIONS

In re Application of
Elhamias et al.
Application No. 11/566,685
Filed: December 4, 2006
Attorney Docket No. 10519/589
(SDK0825.000US)

DECISION GRANTING PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed November 24, 2008, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant non-provisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on December 4, 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 25, 2009 accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 2431 for examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
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
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/566,685	12/04/2006	Reuven Elhamias	10519/589 (SDK-0825X)

CONFIRMATION NO. 6417

67813
BRINKS HOFER GILSON & LIONE/SanDisk
P.O. BOX 10395
CHICAGO, IL 60610

NONPUBLICATION RESCISSION LETTER

Date Mailed: 03/17/2009

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 06/25/2009.

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".

/lswalsh/

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/10/10

TO SPE OF : ART UNIT 3714

SUBJECT : Request for Certificate of Correction for Appl. No.: 11566752 Patent No.: 7695357

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

_____

SPE 3714 **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/22/2010

Applicant	: Lewis Nardini	: DECISION ON REQUEST FOR
Patent Number	: 7606696	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/566,766	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **250** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/566,838	12/05/2006	Tomoaki Kimura	JP920050123US1	6675

32074 7590 04/28/2008

INTERNATIONAL BUSINESS MACHINES CORPORATION
DEPT. 18G
BLDG. 300-482
2070 ROUTE 52
HOPEWELL JUNCTION, NY 12533

EXAMINER	
NATALINI, JEFF WILLIAM	
ART UNIT	PAPER NUMBER
2831	

MAIL DATE	DELIVERY MODE
04/28/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SHIMOKAJI & ASSOCIATES, P.C.
8911 Research Drive
Irvine, CA 92618

In re Application of
Tomoaki Kimura, et al.
Application No.: 11/566,838
Filed: December 5, 2006
Attorney Docket No.: JP920050123US1

For: Waveform Measuring Apparatus And Method Thereof

: DECISION ON REQUEST TO
: PARTICIPATE IN THE 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 April 17, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, 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 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 pilot 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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United States Patent and Trademark Office
P.O. Box 1450
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MAR 30 2007

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CANCELLED

QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

In re Application of
Kobata, Christianson, and Kolbe
Application No.: 11/566,869
Filed: December 5, 2006
Attorney Docket No:470223.00067/1
For: **CONTROL APPARATUS FOR HYDRAULIC CYLINDER**

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed March 1, 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 December 5, 2006, without a properly executed declaration. On January 10, 2007, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application requiring, a proper declaration, and surcharge. The instant petition was filed responsively on March 1, 2007, with an extension of time within second month.

Petitioner has shown that inventor Christianson has constructively refused to join the prosecution of the application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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DICKSTEIN SHAPIRO LLP
1633 Broadway
NEW YORK, NY 10019

Mail Date: 07/16/2010

Applicant	: Hiroshi Saitoh	: DECISION ON REQUEST FOR
Patent Number	: 7646092	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/566,879	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **299** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

MAILED

JUN 02 2010

OFFICE OF PETITIONS

In re Application of :
Nobuyuki Taguchi et al :
Application No. 11/566,897 : ON PETITION
Filed: December 5, 2006 :
Attorney Docket No. 300098US28CIP

This is a decision on the petition, filed May 28, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 18, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2884 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/566,904	12/05/2006	Hae-kee LEE	101-1475	6766

7590 03/13/2009

STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON, DC 20006

EXAMINER	
MOORE, DAVID K	

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
03/13/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Refund Ref:
03/16/2009 0030067708

Credit Card Refund Total: $1850.00

Am Exp..: XXXXXXXXXX1052

Adjustment date: 03/16/2009 NFARMER
12/06/2006 INTEFSW 00000176 11566904
02 FC:1111 -500.00 OP
04 FC:1202 -350.00 OP
05 FC:1201 -1000.00 OP

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

MAILED

AUG 10 2009

OFFICE OF PETITIONS

In re Application of :
Takashi Kariya et al :
Application No. 11/566,912 : ON PETITION
Filed: December 5, 2006 :
Attorney Docket No. 300272US40

This is a decision on the petition, filed August 7, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 20, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2841 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

COPY MAILED
MAR 19 2010

In re Application of :
Takashi Kariya et al :
Application No. 11/566,912 : ON PETITION
Filed: December 5, 2006 :
Attorney Docket No. 300272US40

This is a decision on the petition, filed March 16, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 30, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2841 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/566,920	12/05/2006	Jong-Woo KIM	YOM-0413	6786

7590 05/14/2009

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER	
SHALWALA, BIPIN H	
ART UNIT	PAPER NUMBER
2629	
NOTIFICATION DATE	DELIVERY MODE
05/14/2009	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: 05/13/2009 NFARMER
12/06/2006 INTEFSW 00000207 061130 11566920
02 FC:1111 500.00 CR

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1940 DUKE STREET
ALEXANDRIA VA 22314

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AUG 25 2008

In re Application of	:	
Yoshihiko Funakoshi et al	:	
Application No. 11/566,969	:	DECISION GRANTING PETITION
Filed: December 5, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 298714US3DIV	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 25, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 25, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

[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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MAY 19 2008

OFFICE OF PETITIONS

BOND, SCHOENECK & KING, PLLC
ONE LINCOLN CENTER
SYRACUSE NY 13202-1355

In re Application of :
Steven Antonacci :
Application No. 11/566994 :
Filing or 371(c) Date: 12/05/2006 :
Attorney Docket Number: : DECISION
438P2278A : ON PETITION

This is a decision on the "Reply to Notice of incomplete Nonprovisional Application," filed March 26, 2007, wherein Applicant files an amendment by way of petition pursuant to 37 CFR 1.57(a), to add inadvertently omitted drawings to the present application.

The petition is granted to the extent indicated below.

Background

The application was filed on December 5, 2006. On January 24, 2007, the Office of Patent Application Processing 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 present 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).

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the present petition requests a filing date of December 5, 2006 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, no petition fee is due. The petition fee has been refunded to Petitioner's deposit account as authorized in the present petition.

Pursuant to this decision, the application will be referred to OPAP for:

X **correction of the filing date to December 5, 2006**;
X **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
X **for issuance of a filing receipt.**

Entry of the amendment filed March 26, 2007, will be determined by the examiner.

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

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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TYCO TECHNOLOGY RESOURCES
4550 NEW LINDEN HILL ROAD
SUITE 140
WILMINGTON, DE 19808-2952

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In re Application of :
John Michael LANDIS ET AL :
Application No. 11/567,018 : DECISION ON PETITION
Filed: December 5, 2006 :
Attorney Docket No. E-GI-00235 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 30, 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, August 5, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 6, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Thurman K. Page at (571)272-0602.

This application is being referred to Technology Center Art Unit 2839 for appropriate action by the Examiner in the normal course of business on the reply received

Thurman K. Page
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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P.O. Box 1450
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Kunzler & McKenzie
8 EAST BROADWAY
SUITE 600
SALT LAKE CITY UT 84111

MAILED

MAR 30 2009

OFFICE OF PETITIONS

In re Application of :
MILLER, A. Frank et al. :
Application No. 11/567,040 : DECISION ON PETITION
Filed: December 05, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. **2325.2.1** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 06 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 attesting that A. Frank Miller is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3772 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Sept. 22, 2008

TO SPE OF : ART UNIT 3682

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/567051 Patent No.: 7370555

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Magdalene Talley
Certificates of Correction Branch
703-308-9390 ext. 116

Thank You For Your Assistance

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

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

Comments: THE REQUESTED CORRECTIONS DO NOT CHANGE THE SCOPE OF THE CLAIMS.

11/16/2009

VINH T. LUONG

PRIMARY EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 13 2009

OFFICE OF PETITIONS

GOOGLE / FENWICK
SILICON VALLEY CENTER
801 CALIFORNIA ST.
MOUNTAIN VIEW, CA 94041

In re Patent No. 7,379,811 :
Issue Date: May 27, 2008 :
Application No. 11/567,054 : ON PETITION
Filed: December 5, 2006 :
Attorney Docket No. 24207-12348 :

This is a decision on the petition under 37 CFR 1.182, filed March 20, 2009, requesting issuance of a duplicate Letters Patent for the above-identified application.

The petition is **granted**.

The Publishing Division is directed to issue duplicate Letter Patent.

Any questions concerning this matter may be directed to Irvin Dingle at (571) 272-3210. Any questions concerning issuance of the duplicate Letters Patent should be directed to either Niomi Farmer at (703) 308-9250 ext. 119.

A copy of this decision is being forwarded to Publishing Division for issuance of a duplicate Letters Patent.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, Fax (571) 270-9753.

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

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APR 14 2010

OFFICE OF PETITIONS

In re Application of :
Masaru IIda, et al. :
Application No. 11/567,066 : DECISION DISMISSING PETITION
Filed: December 5, 2006 : UNDER 37 CFR 1.313(a)
Attorney Docket No. 0666.3040000/TGD/AKP :

This is a decision on the petition under 37 CFR 1.313(a), filed April 13, 2010, 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 January 27, 2010, with the issue fee being due on or before April 27, 2010. The petition states that the issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an 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.

Telephone inquiries concerning this decision may 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.

The matter is being referred to Technology Center AU 3691 for appropriate processing of the RCE filed April 13, 2010, and for consideration of the concurrently filed amendment.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/12/10

TO SPE OF : ART UNIT 3676

SUBJECT : Request for Certificate of Correction for Appl. No.: 11567089 Patent No.: 7681667

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

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

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

Comments: _____

DAVID BAGNELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

3676/Actry

UNITED STATES PATENT AND TRADEMARK OFFICE

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HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

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DEC 19 2006

OFFICE OF PETITIONS

In re Application of :
Howard Littman, et al. :
Application No. 11/567,100 : DECISION ON PETITION
Filed: December 5, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 0091.108 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 6, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

This application is being referred to the Office of Initial Patent Examination for processing.
This application will be accorded "special" status when pre-examination processing is done.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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JUN 20 2007

OFFICE OF PETITIONS

In re Application of :
Anthony B. Brennan et al. :
Application No. 11/567,103 :
Filed: December 5, 2006 :
Attorney Docket No. 5853-401-2 :
:

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 4, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the applicant Ronald Howard Baney's driver's 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 2881 for action on the merits commensurate with this decision.

T. Williams

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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LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

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JUL 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Sunil S. Wagle	:	DECISION ON PETITION
Application No. 11/567,104	:	TO WITHDRAW
Filed: December 5, 2006	:	FROM RECORD
Attorney Docket No. 255878	:	

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 Aaron R. Feigelson on behalf of all attorneys of record who are associated with Customer No. 23460.

All attorneys/agents associated with Customer Number 23460 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 19, 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: Sunil S. Wagle
32 Rancho Circle
Lake Forest CA 92630

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SCHWEGMAN, LUNDBERG & WOESSNER/NIH
PO BOX 2938
MINNEAPOLIS, MN 55402-0938

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AUG 2 9 2008

In re Application of	:	
Ferenc Horkay et al.	:	
Application No. 11/567,105	:	DECISION ON PETITION
Filed: December 5, 2006	:	TO WITHFRAW
Attorney Docket No. 1662.002US2	:	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 10, 2007.

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

A review of the file record indicates that the power of attorney to Schwegman, Lundberg & Woessner/NIH has been revoked by the assignee of the patent application on August 28, 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: NATIONAL INSTITUTES OF HEALTH
C/O VENABLE LLP
P. O. BOX 34385
WASHINGTON DC 20043-9998

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NOV 18 2009

OFFICE OF PETITIONS

GONZALES PATENT SERVICES
4605 CONGRESS AVE. NW
ALBUQUERQUE NM 87114

In re Application of :
Andrew Stephen Van Luchene :
Application No. 11/567,122 : DECISION ON PETITION
Filed: December 5, 2006 : TO WITHDRAW
Attorney Docket No. 3106202 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 CFR § 1.36(b) or 37 CFR § 10.40 filed October 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 requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond , pursuant to 37 CFR 10.40(c).

The request was signed by Ellen Gonzales on behalf of all attorneys of record who are associated with the Customer Number 55297.

All attorneys/agents associated with Customer Number 55297 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 Andrew Van Luchene at the address list listed in the request.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Andrew Van Luchene
1012 Marquez Pl.
#205a
Santa Fe, NM 87505

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UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/567,122	12/05/2006	Andrew Stephen Van Luchene	3106202

CONFIRMATION NO. 7091

POWER OF ATTORNEY NOTICE

52297
GONZALES PATENT SERVICES
4605 CONGRESS AVE. NW
ALBUQUERQUE, NM 87114

Date Mailed: 11/18/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/05/2009.

- 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.

/smorland/

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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Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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JUN 20 2008

OFFICE OF PETITIONS

In re Application of	:	
Yuedong Mu, et al.	:	
Application No. 11/567,123	:	DECISION ON PETITION
Filed: December 5, 2006	:	TO WITHDRAW
Attorney Docket No. R026 P01644-US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2008.

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

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on February 25, 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: **Barlow, Josephs & Holmes, LTD.**
101 Dyer Street
5th Floor
Providence, RI 02903

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BARLOW, JOSEPHS & HOLMES, LTD.
101 DYER STREET
5TH FLOOR
PROVIDENCE RI 02903

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JUN 04 2010

OFFICE OF PETITIONS

In re Application of :
Yuedong Mu et al. :
Application No. 11/567,123 : DECISION ON PETITION
Filed: December 5, 2006 :
Attorney Docket No. **R026 P01644-US** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 15, 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, April 3, 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 4, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555 extension of time fee submitted with the petition on January 8, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

This application is being referred to Technology Center AU 2434 for appropriate action by the Examiner in the normal course of business on the reply received.

JoAnne Burke
Petitions Examiner
Office of Petitions

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

Mail Date: 04/23/2010

Applicant	: Yonggang Song	: DECISION ON REQUEST FOR
Patent Number	: 7643992	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/567,138	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **529** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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900 SW FIFTH AVENUE
SUITE 2600
PORTLAND, OR 97204-1268

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OFFICE OF PETITIONS

In re Application of :
Doug Pihl, et al. :
Application No. 11/567,146 : DECISION ON PETITION
Filed: December 5, 2006 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 63973/4:1 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed September 29, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

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

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

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

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

As authorized, the $1410 fee required by 37 CFR 1.78(a)(6)(ii) has been charged to petitioner's credit card.

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

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

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

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

Any questions concerning this matter may be directed to April M. Wise at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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JAN 28 2010

OFFICE OF PETITIONS

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900 SW FIFTH AVENUE
SUITE 2600
PORTLAND, OR 97204-1268

In re Application of
Doug Pihl, et al.
Application No. 11/567,146
Filed: December 5, 2006
Attorney Docket No. 63973/4:1

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(6)

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed December 14, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED.**

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

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

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

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

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

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

Any inquiries concerning this decision may be directed to April M. Wise at (571) 272-1642. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2825 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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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
11/567,146	12/05/2006	2825	1715	63973/4:1	49	8

CONFIRMATION NO. 7136

CORRECTED FILING RECEIPT

3528
STOEL RIVES LLP - PDX
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND, OR 97204-1268

Date Mailed: 01/20/2010

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

Applicant(s)

Doug Pihl, Portland, OR;
Ronald K. Bell, Forest Grove, OR;
Kevin E. Atkinson, Madison Lake, MN;
David Trawick, Plano, TX;
Fuk Ho Pius Ng, Plano, TX;
Liem T. Nguyen, Plano, TX;

Assignment For Published Patent Application

MathStar, Hillsboro, OR

Power of Attorney: The patent practitioners associated with Customer Number 3528

Domestic Priority data as claimed by applicant

This application is a CIP of 11/042,547 01/25/2005
which claims benefit of 60/615,162 09/30/2004

Foreign Applications

If Required, Foreign Filing License Granted: 01/10/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/567,146**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

FIELD PROGRAMMABLE SEMICONDUCTOR OBJECT ARRAY INTEGRATED CIRCUIT

Preliminary Class

716

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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FEB 27 2007

OFFICE OF PETITIONS

In re Application of :
Chris **KARABATSOS** :
Application No. 11/567,154 : DECISION ON PETITION
Filed: December 5, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. KAR_024 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 19, 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 driver's license of inventor Chris Karabatsos, 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 2811 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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Manabu Masaoka
29707 Island View Drive, Unit 1
Rancho Palos Verdes, CA 90275

FEB 0 2 2007

In re Application of: Masaoka, Manabu Serial No.: 11/567,180 Filed: December 5, 2006 Title: Interactive Language Learning Advertisement	:	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 December 5, 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 filed 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 interpretation;

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 I:1-4 and II: 1-4, 5.1, 6.1, and 6.4 above are considered to have been met. However, the petition fails to comply with conditions II: 5.2, 5.3, 6.2, 6.3, 6.5, and 6.6 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

When referring to "the petition" herein below, the received papers under consideration include the two page PTO/SB/28 form, the Accelerated Examination Support Document, pages 1-9, the Pre-Examination Search Document, pages 1 – 4, and the Information Disclosure Statement and PTO-1449 form. All items were received via EFS Web on December 5, 2006.

Regarding the requirements of section II element 5.2 outlined above, as best as can be determined a pre-examination search has been conducted by petitioner in class 705 subclasses 26, 10, and 14. It appears the search outlined in the petition omitted a critical search area by not searching in class 434 entitled Education and Demonstration as well as class 725 entitled Interactive Video Distribution Systems. Class 434 includes both apparatus and processes for providing instruction about a subject or means. As the instant invention is directed to both a method and apparatus for exchanging information including a user accessing a lesson which utilizes promotional information as course material to serve an educational purpose, there appears to be a clear need for searching in this class. At minimum, the following search appears necessary: class 434 subclasses 169, 322, 323, 350. Class 725 includes interactive video distribution process and systems having distribution or delivery of motion video data such as television distribution systems. As the instant invention is directed to both a method and apparatus for exchanging information including a user accessing a lesson which utilizes promotional information which may be a television commercial as course material, there appears to be a clear need for searching in this class. At minimum, the following search appears necessary: class 725 subclass 24. Further, claims 4 and 15 specifically would require search in class 725 subclasses 9-11 while claims 9 and 20 would require search in class 725 subclass 23. Finally, the search listed does not appear to encompass all of the claimed invention giving the broadest reasonable expectation. The requirement that the preexamination search must be directed to the claimed invention and encompass all of the features of the claims is not limited to the independent claims; rather, the petitioner must search the limitations of all the claims, including any dependent claims, in the applicant. The search logic provided indicates that all searches have been limited first by "language" yet none of independent claims 1, 11, or 12 are limited to solely language lessons; nowhere in the search is it apparent that any lesson of a more general nature as claimed in claims 1, 11, and 12 has been searched. Although a generally "interactive" embodiment was searched, nowhere in the search is it apparent that any reward or point system as in claims 9 and 20 has been specifically searched. A grantable petition requires the search be directed to the claimed invention and encompass all of the features of all of the claims while giving the claims the broadest reasonable expectation.

Regarding the requirements of section II element 5.3 outlined above, the petition fails to describe the search for any disclosed features that may be claimed or provide any statement that there are no more disclosed features which may be claimed

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in the reference(s) and where the limitation is disclosed in the cited reference. The petition fails to set forth any limitations disclosed in any of the references provided but instead describes only how the present invention is believed to be patentable over the cited references. A grantable petition requires 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. Further, this requirement is not limited to

limitations in the *independent* claims; rather petitioner must point out all the limitations in all the claims that are disclosed by each reference. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This analysis should be done for each claim for a grantable petition. That a limitation may be, in petitioner's opinion, lacking from a reference when comparing the reference to an independent claims does not exempt petitioner from the remaining analysis of what the reference discloses with respect to each claimed limitation in the remaining dependent claims.

Regarding the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each of the claims are patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). The instant petition does not refer to any specific claims but instead refers generally to "the present invention". As outlined above, each of the *claims* must be addressed with specificity to the particular claim language of each claim. For reference, a grantable petition must meet the requirements of the practice and such includes a discussion with respect to the *claimed* subject matter. 37 CFR § 1.111 (b) states "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 37 CFR § 1.111 (c) states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made."

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section have been omitted entirely from the petition with respect to the priority documents for which benefit is claimed under 35 USC. Petitioner must provide 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 the application claims the benefit of one or more applications under title 35, United States Code, as is the situation here, 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. Merely pointing to support for the claims in only the pending application is insufficient.

Regarding the requirements of section II element 6.6 outlined above, the requirements of this section have been omitted entirely from the petition. Petitioner must provide an identification of any cited references that may be disqualified under 35 USC 103(c). If no references are disqualified under 35 USC 103(c) a statement to that effect should be made.

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 Colleen P. Cooke, TC 3700 Special Program Examiner, at (571) 272-1170.

Colleen P. Cooke
Special Program Examiner
Technology Center 3700

31 MAR 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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DEBORAH A. GADOR
P.O. BOX 4133
GANEL TIKVA 55900
ISRAEL

In re Application of	:	
SHNIDER, Haim, et al.	:	
Application No.: 11/567,231	:	DECISION
PCT No.: PCT/IL2005/000592	:	
Int. Filing Date: 06 June 2005	:	ON REQUEST UNDER
Priority Date: 07 June 2004	:	
Attorney's Docket No.: 124/3	:	37 CFR 1.497(d)
For: ROTARY VALVE	:	

This decision is in response to request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 12 October 2008.

BACKGROUND

On 28 December 2006, applicant filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of the inventors. The declaration listed 3 inventors, but the international application lists only 2.

On 17 June 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the inventors in the declaration did not match the inventors in the international application and that the declaration was illegible. It further indicated 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 12 October 2008, applicant filed this petition to add an inventor to the application.

DISCUSSION

Applicants file this request to add Omer Vulcan, 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.

Item (1) has been satisfied. Applicants have provided a statement from Omer Vulcan.

Item (2) has not been satisfied. Applicants have not provided the processing fee.

Item (3) has not been satisfied. Applicants have not indicated whether any of the original applicants have executed an assignment.

Further, a review of the declaration indicates it is defective. It is composed of one page 1 and two pages 2. Each page two lists the same inventors, but was separately executed. While it is acceptable for inventors to execute separate copies of the oath or declaration, the complete copy presented to each inventor must be returned to the Office. MPEP 605.04(a).

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

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 Request Under 37 CFR 1.497(d)". 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
Facsimile: 571-273-0459

31 DEC 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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ISRAEL

In re Application of	:	
SHNIDER, Haim, et al.	:	
Application No.: 11/567,231	:	NOTIFICATION
PCT No.: PCT/IL2005/000592	:	
Int. Filing Date: 06 June 2005	:	OF A
Priority Date: 07 June 2004	:	
Attorney's Docket No.: 124/3	:	DEFECTIVE RESPONSE
For: ROTARY VALVE	:	

This decision is in response to request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 01 June 2009.

BACKGROUND

On 31 March 2009, the Office mailed Decision On Request Under 37 CFR 1.497(d), refusing applicants' request and further indicating that the declaration was defective and that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 01 June 2009, applicants submitted this renewed request under 37 CFR 1.497(d) and 4 pages of declaration.

DISCUSSION

Applicants file this request to add Omer Vulcan, 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.

Item (1) was previously satisfied. Items (2) and (3) have now been satisfied.

Applicants were previously informed that while it is acceptable for inventors to execute separate copies of the oath or declaration, the *complete* copy presented to each inventor must be returned to the Office. MPEP 605.04(a). Returning 4 sheets of signature pages without the declaration pages is not sufficient. The complete copies presented to the inventors must be returned to the Office. The pages presented do not even include the signature of Haim Shnider.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

Applicants are required to submit an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within a time limit of **ONE (1) MONTH** from the mail date of this Notification No extension of this time limit may be granted under 37 CFR 1.136(a). Any request for reconsideration of this decision should include a cover letter entitled "Response to Notification of Defective Response."

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.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

19 MAR 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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ISRAEL

In re Application of :
SHNIDER, Haim, et al. :
Application No.: 11/567,231 :
PCT No.: PCT/IL2005/000592 : DECISION
Int. Filing Date: 06 June 2005 :
Priority Date: 07 June 2004 :
Attorney's Docket No.: 124/3 :
For: ROTARY VALVE :

This decision is in response to applicants' response to the Notification of Defective Response, filed in the United States Patent and Trademark Office on 31 January 2010.

BACKGROUND

On 31 December 2009, the Office mailed Notification of Defective Response, indicating that the declaration was defective and that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 31 January 2010, applicants submitted 3 copies of the inventors' declaration.

DISCUSSION

The declarations of the inventors supplied on 31 January 2010, comply with 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.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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	: James Hayes	: DECISION ON REQUEST FOR
Patent Number	: 7637022	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/567,245	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **485** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Fredericton NB E3C 2B5 CA Cananda

FEB 0 2 2007

In re Application of: Bradley, Norma
Serial No.: 11/567,256
Filed: December 6, 2006
Title: MOBILE LIFT TABLE WITH RAISABLE CASTERS

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 December 6, 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.

5. the application must be filed with a petition to make special under the accelerated examination program accompanied by either the fee set forth in 37 CFR 1.17(h) or a statement that the claimed subject matter is directed to environmental quality, energy, or countering terrorism.

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 filed 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 interpretation;

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 condition I: 5 above. The fee set forth in 37 CFR 1.17(h) has not been paid, nor has the petitioner made a statement that the claimed subject matter is directed to environmental quality, energy, or countering terrorism. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

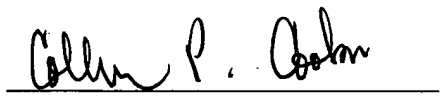
DECISION

For the above-stated reasons, the petition is **dismissed without consideration**.

Petitioner is given the opportunity to pay the fee set forth in 37 CFR 1.17(h) and have the petition considered. Payment of the fee 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.

Failure to pay the fee set forth in 37 CFR 1.17(h) will result in the application being raken up by the examiner for action in its regular turn. Petitioner is reminded that, upon timely payment of the fee and 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 Colleen P. Cooke, TC 3700 Special Program Examiner, at (571) 272-1170.



Colleen P. Cooke
Special Program Examiner
Technology Center 3700

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APR 06 2007

In re Application of: Bradley, Norma
Serial No.: 11/567,256
Filed: December 6, 2006
Title: MOBILE LIFT TABLE WITH RAISABLE CASTERS

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 December 6, 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.

5. the application must be filed with a petition to make special under the accelerated examination program accompanied by either the fee set forth in 37 CFR 1.17(h) or a statement that the claimed subject matter is directed to environmental quality, energy, or countering terrorism.

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 filed 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 interpretation;

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 I:1-4 and II: 1-4, 5.1, and 6.1-6.4 above are considered to have been met. However, the petition fails to comply with conditions II: 5.2, 5.3, 6.5, and 6.6 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

When referring to "the petition" herein below, the received papers under consideration include the two page PTO/SB/28 form, the Accelerated Examination Support Document, pages 1-12, the Pre-Examination Search Document, pages 1 – 4, and the Information Disclosure Statement and PTO-1449 form as well as the "IDS Report" pages 1-14. All items were received via EFS Web on December 6, 2006. It is noted that the Office generally considers the information contained in the "IDS Report" to be part of the Accelerated Examination Support Document; the information contained in the "IDS Report" has still been considered in deciding the petition.

Regarding the requirements of section II element 5.2 outlined above, a pre-examination search has been conducted by petitioner in class 254, subclasses 9R, 9C, and 122. The search omitted critical search area of class 254 by omitting subclasses 7C, 8C, and 126. A pre-examination search has been conducted by petitioner in class 182, subclass 141. The search omitted critical search area of class 182 by omitting subclasses 69.1, 69.5, 69.2, and 69.3. It appears the search outlined in the petition omitted a critical search area by not searching at all in class 187 entitled ELEVATOR, INDUSTRIAL LIFT TRUCK, OR STATIONARY LIFT FOR VEHICLE. At minimum, the following search appears necessary: class 187 subclass 269. The search listed does not appear to encompass all of the claimed invention giving the broadest reasonable expectation. The requirement that the preexamination search must be directed to the claimed invention and encompass all of the features of the claims is not limited to the independent claims; rather, the petitioner must search the limitations of all the claims, including any dependent claims, in the applicant. The search logic provided indicates that all searches have been limited first by "shoe? or footwear or trainer? or cross-trainer? or sneaker?" yet none of independent claims 1-20 are drawn to the shoe or footwear itself; the search appears to be narrower than the independent claims yet too broad to include all the limitations of the dependent claims. Nowhere in the search is it apparent that any of the specific materials of claims 3 and 8 have been specifically searched. A grantable petition requires the search be directed to the claimed invention and encompass all of the features of all of the claims while giving the claims the broadest reasonable expectation.

Regarding the requirements of section II element 5.3 outlined above, the petition fails to describe the search for any disclosed features that may be claimed or provide any statement that there are no more disclosed features which may be claimed.

Regarding the requirements of section II element 6.5 outlined above, the petition fails to include a showing where *each limitation of the claims* finds support under 35 USC 112, first paragraph, in the written description of the specification. Merely pointing to support for the claim generally, without reference to *each limitation* is insufficient. A grantable petition requires a showing where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification.

Regarding the requirements of section II element 6.6 outlined above, the requirements of this section have been omitted entirely from the petition. Petitioner must provide an identification of any cited references that may be disqualified under 35 USC 103(c). If no references are disqualified under 35 USC 103(c) a statement to that effect should be made.

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 Colleen P. Cooke, TC 3700 Special Program Examiner, at (571) 272-1170.

Colleen P. Cooke
Special Program Examiner
Technology Center 3700

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11350 RANDOM HILLS ROAD
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OCT 13 2009

OFFICE OF PETITIONS

In re Application of :
Wei ZHENG et al. :
Application No. 11/567,257 : DECISION ON PETITION
Filed: December 06, 2006 :
Attorney Docket No. AF01630 :

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**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 09, 2009, which set a shortened statutory period for reply of three (3) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 10, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment (2) the petition fee of $1,620.00 and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of February 09, 2009 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 Technology Center AU 2822 for appropriate action on the concurrently filed amendment.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

BARLOW, JOSEPHS & HOLMES, LTD.
101 DYER STREET
5TH FLOOR
PROVIDENCE RI 02903

In re Application of:
Adrian GLUCK
Serial No.: 11/567,262
Filed: December 6, 2006

Title: **IMAGING SYSTEM AND METHOD**

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 December 6, 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 filed 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 interpretation;

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 USC 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 USC 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 set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5. and 5.1 and 6.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5, the preexamination search document provided with the instant petition is deficient as follows: the US Field of Search and Databases Searches which are to be provided under section 8(a) are not sufficient. In addition to the field of search provided, applicant would also need to search in the following class/sublasses: 348/ 143, 150, 211.99, 211.1, 211.3, 231.2, 231.3, 231.5; and 396/427, 429; and 358/302. Furthermore, the search logic appears unduly limiting. Keyword operators should be modified to include searching in all listed filed of search areas. Furthermore, instead of only using the Boolean operator "and",, the proximity operators such as "near3", "near5", "with", and "same" should be used to achieve more accurate results. Furthermore, essential words like 'gift' and 'sport' are not included in the text search. A copy of the EAST search results should be provided for review.

Regarding the requirement of item 6.3, the "Accelerated Examination Support Document", part 9(c) only identifies the limitations of the method claims and a generic explanation of how the method claims are patentable over the cited references. Petitioner does not provide a "detailed explanation of patentability of all claims (including the system claims) with respect to each reference and if claims do not stand or fall together, how each claim is patentably distinct over the cited prior art. Thus, the petition does not meet the conditions of II. 6.3 above.

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 Krista Zele, Quality Assurance Specialist, at (571) 272-7288.

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

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101 DYER STREET
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In re Application of:
Adrian Gluck
Serial No.: 11/567,262
Filed: December 6, 2006

Title: **IMAGING SYSTEM AND METHOD**

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 March 7, 2007 requesting reconsideration 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 **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.

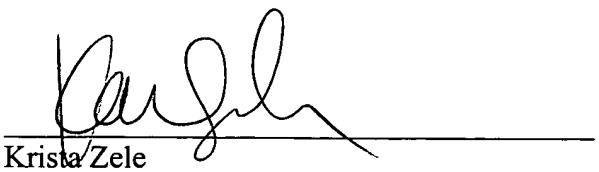
   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

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 Krista Zele, Special Program Examiner, at (571) 272-7288.



Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

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DEKEL PATENT LTD., DAVID KLEIN
BEIT HAROF'IM
18 MENUHA VENAHALA STREET,
ROOM 27
REHOVOT 76209 IL ISRAEL

COPY MAILED

APR 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Haggai Shoshany : DECISION ON PETITION
Application No.: 11/567263 :
Filing or 371(c) Date: 12/06/2006 :
Attorney Docket Number: :
1643SHO-US :

This is a decision on the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f)) filed February 8, 2008.

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of a foreign or international application filed on December 6, 2007. However, the US Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the foreign or international application.

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 under 37 CFR 1.137(f) must be accompanied by:

(1) the 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 present petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such 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 Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing accompanies this Decision.

The application will be referred to Technology Center AU 1797 for continued processing in due course.

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

Derek L. Woods
Attorney
Office of Petitions

Attachment: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/567,263	12/06/2006	Haggai Shoshany	1643SHO-US

CONFIRMATION NO. 7320

NONPUBLICATION RESCISSION LETTER

AIR MAIL
32964
DEKEL PATENT LTD., DAVID KLEIN
BEIT HAROF'IM
18 MENUHA VENAHALA STREET, ROOM 27
REHOVOT, 76209
ISRAEL

Date Mailed: 04/02/2008

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 07/10/2008.

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

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

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

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : December 30, 2009

TO SPE OF : ART UNIT 3724
SUBJECT : Request for Certificate of Correction for Appl. No.: 11/567293 /Patent no.7617750

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Magdalene Talley

Certificates of Correction Branch
571-272-0423 _____

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: only title change

BOYER D ASHLEY
SUPERVISORY PATENT EXAMINER 3724

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

Mail Date: 06/08/2010

Applicant	: Joshua Isaac Wright	: DECISION ON REQUEST FOR
Patent Number	: 7643256	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/567,296	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **441** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/567,332	12/06/2006	Katsuyuki NOMURA	300293US2S	7448

7590 07/01/2009

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

EXAMINER	
TRAN, THAI Q	

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
07/01/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 06/30/2009 BPOWELL
12/06/2006 INTEFSW 00001426 11567332
02 FC:1111 -500.00 OP

Adjustment date: 06/30/2009 BPOWELL
12/06/2006 INTEFSW 00001426 11567332
02 FC:1111 -500.00 OP

Refund Ref:
06/30/2009 0030071710

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1009

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STITES & HARBISON, PLLC
Suite 900
1199 North Fairfax Street
Alexandria, VA 22314

Mail Date: 04/21/2010

Applicant	: Paul K. Chu	: DECISION ON REQUEST FOR
Patent Number	: 7589474	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/567,333	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

30 SEP 2009

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Peter W. Peterson
Delio & Peterson, LLC
121 Whitney Avenue
New Haven, CT 06510-1241

In re Application of	:	
Kim	:	DECISION
Serial No.: 11/567,371	:	ON PETITION
Attorney's Docket No.: SUNK100001000	:	UNDER
For: FLUX-CONTAINING BRAZING AGENT BRAZED AT LOW TEMPERATURE	:	37 CFR 1.78

This is a petition decision on the petition under 37 CFR 1.78(a)(3), filed 25 February 2008, to accept an unintentionally delayed claim under 35 U.S.C. 120 and 365(c) for benefit of priority to the prior-filed international application designating the United States, PCT/KR2004/001420, set forth in the amendment and the Application Data Sheet (ADS) filed 22 May 2009.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a late claim for 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 37 CFR 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 where there is a question whether the delay was unintentional.

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 international application has been included in an

Application Data Sheet (ADS) and an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii), (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. 120 to the prior-filed international application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of this 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 requirement 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 this application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to Debra Brittingham at (571) 272-3280. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1793 for appropriate action of the amendment, and ADS, filed 22 May 2009 including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. 120 to the prior-filed international application.

Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

MAIL

FEB 12 2007

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191 N. WACKER DRIVE
SUITE 1800
CHICAGO IL 60606-1615

In re Application of:
Shay Ping Thomas Wang
Serial No.: 11/567,397
Filed: December 6, 2006

Title: **MOBILE DEVICE WITH CELL ARRAY**

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 December 6, 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 filed 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 interpretation;

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 USC 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 USC 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 set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5. , 5.1. , 6.3, and 6.5.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5. above, the preexamination search document provided with the instant petition is deficient as follows: the US Field of Search and Databases Searches which are to be provided under section 8(a) are not sufficient. In addition to the field of search provided, applicant would also need to search in the following class/sublasses: 455/ 572-574, 127.1-127.4, and 343.1-343.6 and 327/ 530-544. Furthermore, the search logic appears unduly limiting. Keyword operators should be modified to include searching in all listed field of search areas. Furthermore, instead of only using the Boolean operator "and", the proximity operators such as "near3", "near5", "with", and "same" should be used to achieve more accurate results. Furthermore, essential words like 'gift' and 'sport' are not included in the text search. A copy of the EAST search results should be provided for review.

Regarding the requirement in item 6.3. above, the Accelerated Examination Support Document is deficient in section 9(c) because applicant has not provided a detailed explanation of how each of the claims are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c). Applicant provided a general allegation that "All of the references identified fail to at least teach or suggest one or more of the following required clauses (e and f) of claim 1"; however, fails to state with any particularity as to which particular clauses (or combination of clauses) are not met by which references. Applicant did provide some specific statements concerning the references of Zurlo, Hsu, Bourilkov, Weng and Grazier; however, failed to provided a detailed explanation of patentability in accordance with item 6.3 for each of the cited references with the particularity required by 37 CFR 1.111(b) and (c). Therefore, applicant must provide a more detailed explanation.

Regarding the requirement in item 6.5. above, the Accelerated Examination Support Document is deficient in section 9(e) because applicant has only provided a general allegation that "elements (a)-(f) of the system correspond to elements in the circuitry and flowcharts" found in Figures 2 and 5-10. As set forth in item 6.5, applicant is required to provide a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. Therefore, applicant must provide a detailed explanation indicating where each limitation of each claim finds support in the specification.

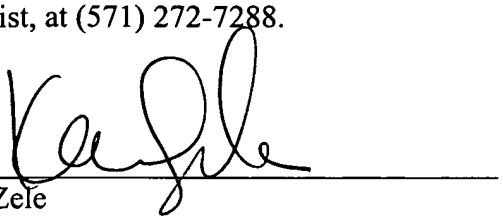
DECISION

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 Krista Zele, Quality Assurance Specialist, at (571) 272-7288.



Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

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MAIL

MAR 28 2007
DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Shay-Ping Thomas WANG
Serial No.: 11/567,397
Filed: December 6, 2006

Title: **MOBILE DEVICE WITH CELL ARRAY**

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 March 9, 2007 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

It appears that on page 2 of the Supplemental Accelerated Examination Support Document, under part 9(A) References Deemed Most Closely Related, petitioner inadvertently failed to include in the list the newly cited reference to Bessa et al. (US 2003/0096642). This apparent inadvertent omission is merely noted here for the examiner's convenience. It is further noted that this new reference was cited on the newly provided PTO-1449 and it was discussed along with all of the other cited prior art in all other sections.

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 Krista Zele, Special Program Examiner, at (571) 272-7288.

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

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FEB 19 2008

OFFICE OF PETITIONS

In re Application of :
Howard et al. :
Application No. 11/567,405 : DECISION ON PETITION
Filed: 12/06/2006 :
Attorney Docket No. TA-00668 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 28, 2007, to revive the above-identified application.

The 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 January 29, 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 application became abandoned on March 30, 2007. A Notice of Abandonment was mailed on October 22, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a replacement drawing, an amendment to the claims, and payment of the basic filing fee, the examination fee, the search fee, and the surcharge; (2) the petition fee of $1,540.00, and (3) a proper statement of unintentional delay.

Keith R. Derrington, who signed the petition, including the statement of unintentional delay, stated that he recently had been appointed as an attorney of record. It is not apparent if Mr. Derrington was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry

results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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FEB 21 2008

In re Application of :
Howard et al. : DECISION ON PETITION
Application No. 11/567,405 :
Filed: 12/06/2006 :
Attorney Docket No. TA-00668 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 28, 2007, to revive the above-identified application.

The above-identified application became abandoned for failure to file a timely response to the Notice to File Missing Parts of Nonprovisional Application mailed January 29, 2007, which set a two-month extendable period to reply. No extensions of the time period were obtained pursuant to 37 CFR 1.136(a). Accordingly, the above-identified application became abandoned on March 30, 2007. On October 22, 2007, the Office mailed a Notice of Abandonment.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay. Accordingly, the petition is **granted.**

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Office of Patent Application Processing.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Mail Date: 04/20/2010

Applicant	: Donald Robert Howard	: DECISION ON REQUEST FOR
Patent Number	: 7605924	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/567,405	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2006	: 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/25/10 Paper No.: ---

TO SPE OF : ART UNIT 3636

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/567423 Patent No.: 7566096 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

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

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

Comments: _____

2/25/2010
DAVID DUNN
SUPERVISORY PATENT EXAMINER 3636

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ILO1/3RD
SCHAUMBURG IL 60196

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JUN 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Giorgi G. Bit-Babik et al	:	
Application No. 11/567,430	:	DECISION GRANTING PETITION
Filed: December 6, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. CML03106AT	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 23, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 15, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2821 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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SAN FRANCISCO, CA 94111-3834

Mail Date: 04/21/2010

Applicant	: Charles W. Ragsdale	: DECISION ON REQUEST FOR
Patent Number	: 7576549	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/567,438	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **144** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

In re Application of	:	
Lorraine et al.	:	
Application No. 11/567,444	:	ON PETITION
Filed: December 6, 2006	:	
Attorney Docket No. TA-00665	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 28, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the statutory basic filing fee, the late surcharge, the search and examination fees, and additional claims fee, (2) the petition fee, and (3) a proper statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further processing.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

9-16-09

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Patent No. : 7,544,020 B2
Ser. No. : 11/567,453
Inventor(s) : Shigenori Emoto, et. al.
Issued : June 9, 2009

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

By fax: (703) 872-9306
ATTN: Office of Petitions

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

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Ditthavong Mori & Steiner, P.C.
918 Prince Street
Alexandria, VA 22314

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DITTHAVONG MORI & STEINER PC
918 PRINCE STREET
ALEXANDRIA VA 22314

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DEC 14 2009

OFFICE OF PETITIONS

In re Patent No. 7,544,020 :
Issue Date: June 9, 2009 :
Application No. 11/567,453 : DECISION ON PETITION
Filed: December 6, 2006 :
Attorney Docket No. 01150-1010 :

This is a decision on the "REQUEST FOR CERTIFICATE OF CORRECTION", filed July 21, 2009.

The petition is **GRANTED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.[1] However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

(A) the processing fee required by 37 CFR 1.17(i);

(B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;

(C) a statement that the assignment was submitted for

[1] See 37 CFR 3.81.

recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

(D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).[2]

Receipt of the $130 processing fee set forth in 37 CFR 1.17(i) and the $100 fee for the Certificate of Correction set forth in 37 CFR 1.20(a) is acknowledged.

The file is being forwarded to the Certificate of Corrections Branch for issuance of the requested Certificate of Correction.

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

Cliff Congo
Petitions Attorney
Office of Petitions

[2] MPEP 307.

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.
11/567,460	12/06/2006	Hyeong-Jun Park	8071-231/mrf	7645

7590 04/30/2009

F. CHAU & ASSOCIATES, LLC
130 WOODBURY ROAD
WOODBURY, NY 11797

EXAMINER	
CHU, CHRIS H	

ART UNIT	PAPER NUMBER
2874	

MAIL DATE	DELIVERY MODE
04/30/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 05/01/2009 BPOWELL
12/07/2006 INTEFSW 00000271 11567460
02 FC:1111 -500.00 OP

Refund Ref:
05/01/2009 0030069561

Credit Card Refund Total: $600.00

Am Exp..: XXXXXXXXXXX1004

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
DRW Apr-07

GREGORY J. GORE
70 WEST OAKLAND AVENUE, SUITE 316
DOYLESTOWN PA 18901

COPY MAILED

APR 0 6 2007

OFFICE OF PETITIONS

In re Application of	:	
Phillips et al.	:	
Application No. 11/567,483	:	LETTER DISMISSING PETITION
Filed: 6 December, 2006	:	UNDER 37 CFR 1.47(a)
Atty Docket No. 111	:	

This is in response to the paper entitled "PETITION FOR FILING BY OTHER THAN ALL THE INVENTORS UNDER 37 C.F.R. § 1.47 (a)" filed on 6 December, 2006.

The petition is **dismissed.**

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

On 6 December, 2006, the application was filed with a declaration naming Ronald W. Phillips, II, and Ronald S. Dise as joint inventors, signed by joint inventor Dise on behalf of himself and joint inventor Phillips. Also on 6 December, 2006, the present petition was filed, whereby petitioner's counsel states that a copy of the application was sent to non-signing inventor Phillips, but that he refused to sign and return the declaration.

37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor, or legal representative thereof, 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, or legal representative thereof.

The petition lacks item (3).

The petition must be dismissed because it is not accompanied by the proper petition fee. Although petitioners submitted $130.00, the fee for a petition under 37 CFR 1.47(a) is currently $200.00. Patent and trademark fees and charges payable to the Patent and Trademark Office are required to be paid in advance, that is, at the time of requesting any action by the Office for which a fee or charge is payable.[1] As such, the petition fee is a prerequisite to the filing of the present petition, and the Office will not reach the merits of the petition unless and until the petition fee is submitted. Any request for reconsideration of this petition must be accompanied by the balance due of $70.00.

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

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

By FAX:
(703) 872-9306
Attn: Office of Petitions

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

[1] 37 CFR 1.22(a).

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

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
OIW Jun-07

GREGORY J. GORE
70 WEST OAKLAND AVENUE, SUITE 316
DOYLESTOWN PA 18901

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JUN 20 2007

OFFICE OF PETITIONS

In re Application of	:	
Phillips and Dise	:	
Application No. 11/567,483	:	DECISION ACCORDING STATUS
Filed: 6 December, 2006	:	UNDER 37 CFR 1.47(a)
Atty Docket No. 111	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(a)," filed on 19 April, 2007.

The petition is **GRANTED**.

Petitioners have shown, via the declaration of registered patent attorney Gregory J. Gore, that the non-signing inventor, Ronald W. Phillips, II, has refused to sign and return the declaration naming him as a joint inventor along with Ronald S. Dise after having been sent 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 inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The application is being referred to Technology Center Art Unit 3682 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Jun-07

Ronald W. Phillips, II
927 Chalker Street
Akron OH 44310

COPY MAILED

JUN 20 2007

OFFICE OF PETITIONS

In re Application of
Phillips et al.
Application No. 11/567,483
Filed: 6 December, 2006
For: CABLE-OPERATED RETRACTABLE SPRING PIN ASSEMBLY

Dear Mr. Phillips:

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

GREGORY J. GORE
70 WEST OAKLAND AVENUE, STE. 316
DOYLESTOWN PA 18901

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.
11/567,496	12/06/2006	Dae Ho Choo	8136-9 (OP2006-SL015-US)	7709

7590 04/22/2009

Frank Chau, Esq.
F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, NY 11797

EXAMINER	
CHU, CHRIS H	

ART UNIT	PAPER NUMBER
2874	

MAIL DATE	DELIVERY MODE
04/22/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Refund Ref:
04/22/2009 0038069157

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1004

Adjustment date: 04/22/2009 NFARMER
12/07/2006 INTEFSW 00000373 11567496
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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Group 2700

WOLF, BLOCK, SCHORR & SOLIS-COHEN LLP
1650 ARCH STREET, 22ND FLOOR
PHILADELPHIA PA 19103-2334

In re Application of:
DAYAN, MERVIN A., et al.
Serial No.: 11/567,504
Filed: December 6, 2006

Title: **CAMERA AND DISPLAY DEVICE FOR USE WITH VEHICLES**

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 December 6, 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 filed 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 interpretation;

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 USC 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 USC 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 I.1-II.6.2, II.6.4 and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II. 6.3 and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

The petition fails to provide 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). The petition does provide an explanation of patentability for the independent claims 1, 6 and 12 but fails to provide explanation as to patentability of all claims as required. The petition also fails to show where each claimed limitation finds support in the written description of the specification. The showing does show support for independent claims 1,6 and 12 but not all the claims as required. Furthermore, it does not show support under 35 USC 112, first paragraph in the benefit application, U.S provisional application 60/826,618.

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 Kenneth Wieder, Special Program Examiner, at (571) 272-2986.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Group 2700
2600

WOLF, BLOCK, SCHORR & SOLIS-COHEN LLP
1650 ARCH STREET, 22ND FLOOR
PHILADELPHIA PA 19103-2334

In re Application of:
DAYAN, MERVIN A., et al.
Serial No.: 11/567,504
Filed: December 6, 2006

Title: **CAMERA AND DISPLAY DEVICE FOR USE WITH VEHICLES**

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 February 6, 2007 requesting reconsideration 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 **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.

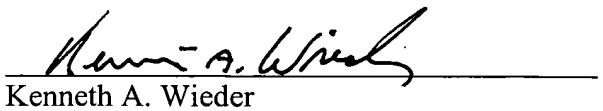
   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

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 Kenneth Wieder, Special Program Examiner, at (571) 272-2986.



Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/25/08

TO SPE OF : ART UNIT 3612

SUBJECT : Request for Certificate of Correction for Appl. No.: 11567509 Patent No.: 7396066 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: _____

D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

_____ 3612
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 07/08/2010

Applicant	: Yaqi Hu	: DECISION ON REQUEST FOR
Patent Number	: 7642814	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/567,511	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2006	: 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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MICHAEL A. O'NEIL
MICHAEL A. O'NEIL, P.C.
SUITE 820
5949 SHERRY LANE
DALLAS, TX 75225

COPY MAILED

NOV 15 2007

OFFICE OF PETITIONS

In re Application of
Michael A. Mizer, Sr. et al.
Application No. 11/567,588
Filed: December 6, 2006
Attorney Docket No. 16041-1031

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed October 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 Michael A. O'Neil on behalf of all attorneys/agents associated with customer number 38406. All attorneys/agents associated with customer number 38406 have been withdrawn.

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

There are no outstanding Office actions in this case.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Mike Mizer, Cantrell Worldwide, Inc.
2154 Channault Drive, Suite A
Carrollton, TX 75006

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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/567,588	12/06/2006	Michael A. Mizer SR.	16041-1031

CONFIRMATION NO. 7841

POWER OF ATTORNEY NOTICE

Michael A. O'Neil
Michael A. O'Neil, P.C.
Suite 820
5949 Sherry Lane
Dallas, TX 75225

Date Mailed: 11/14/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/02/2007.

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

/kainabinet/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/567,606	12/06/2006	Shouichi Kubo	89277.0128	7867

7590 09/11/2009

HOGAN & HARTSON L.L.P.
1999 AVENUE OF THE STARS
SUITE 1400
LOS ANGELES, CA 90067

EXAMINER	
ART UNIT	PAPER NUMBER
3656	
NOTIFICATION DATE	DELIVERY MODE
09/11/2009	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: 09/11/2009 NFARNER
03/05/2007 INTEFSW 00000866 501314 11567606
02 FC:1111 500.00 CR

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United States Patent and Trademark Office
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HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS, MO 63105

Mail Date: 04/21/2010

Applicant	: John F. Rossi	: DECISION ON REQUEST FOR
Patent Number	: 7648077	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/567,607	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **431** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

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JUL 23 2007

OFFICE OF PETITIONS

In re Application of :
Freskos, et al. :
Application No. 11/567,616 : ON PETITION
Filed: December 6, 2006 :
Attorney Docket No. 01-1632-C1 :
For: HYDROXY ALKYL AMINES

This is a decision on the petition, filed June 21, 2007, requesting that the application be assigned an earlier filing date of no later than December 5, 2006 to achieve copendency with previously filed application no. 10/160,777, which issued as U.S. Patent No. 7,144,897 on December 5, 2006. The petition, while captioned under 37 CFR 1.182, will be treated as a petition under 37 CFR 1.183, requesting waiver of 37 CFR 1.53(b).

The petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.53(b) is **DISMISSED**.

The above-identified application's filing date is currently December 6, 2006. Petitioners desire a filing date of no later than December 5, 2006. Petitioners are, in essence, asking for a waiver of 37 CFR 1.53(b), which states that a nonprovisional application's filing date is the date on which a specification containing a description and at least one claim and any required drawings are filed in the PTO.

Petitioners are advised that the statutory basis for 37 CFR 1.53(b) is 35 U.S.C. 111. 35 U.S.C. 111(a)(4) states in pertinent part, "...The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office." The word "shall" appears in 35 U.S.C. 111(a)(4). It is well settled that the use of "shall" in a statute is the language of command, and where the directions of a statute are mandatory, then strict compliance with the statutory terms is essential. Farrel Corp. V. U.S. Int'l Trade Comm'n, 942 F.2d 1147, 20 USPQ2d 1912 (Fed. Cir. 1991).

Petitioners admit that application no. 11/567,616 was not filed in the Office until December 6, 2006.

The Office has no discretion in this situation. The above-identified application was not filed in the Office until December 6, 2006. Thus, December 6, 2006 is the filing date of the above-identified application.

Furthermore, even if it were possible to waive the rule in question, justice does not require waiver of the rule. For grant of the relief sought in a petition under 37 CFR 1.183, petitioners must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. In re Sivertz, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985).

Petitioners have clearly stated that the failure to file a continuing application prior to the patenting of 10/160,777 was due to oversight. Petitioners timely paid the issue fee on application No. 10/160,777 on September 18, 2006. Petitioners were aware that patenting would shortly occur. Petitioners decided to wait until an Issue Notification was received before filing a continuing application. Unfortunately, the Issue Notification was not received until after patent no. 7,144,897 issued.

As stated in MPEP 1306.03 Practice After Payment of Issue Fee; Receipt of Issue Notification [R-5]:

> Under the current publication process, utility and reissue patents are issued within about four weeks after the issue fee and any required publication fee are received in the Office. A patent number and issue date will be assigned to an application and an Issue Notification will be mailed after the issue fee has been paid and processed by the USPTO. Because the Issue Notification may be mailed less than two weeks before the application is expected to issue as a patent, applicants are advised to file any continuing application before receiving the Issue Notification to avoid loss of copendency.

Circumstances resulting from applicants' failure to exercise due care, or lack of knowledge of, or failure to properly apply, the patent statutes or rules of practice are not, in any event, extraordinary circumstances where the interests of justice require the granting of extraordinary relief. *See* In re Tetrafluor, Inc., 17 USPQ2d 1160, 1162 (Comm'r Pats. 1990); In re Bird & Son, Inc. 195 USPQ 586, 588 (Comm'r Pats. 1977); Huston v. Ladner, 23 USPQ2d 1910 (Fed. Cir. 1992); Vincent v. Mossinghoff, 230 USPQ 621, 625 (D.D.C. 1985).

The petition under 37 CFR 1.183 to accord a filing date of no later than December 5, 2006 to application no. 11/567,616 is **dismissed**. The filing date of application no. 11/567,616 remains December 6, 2006.

After the mailing of this decision, the application will be returned to the Office of Initial Patent Examination for further processing.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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LEWIS AND ROCA LLP
1663 HWY 395, SUITE 201
MINDEN NV 89423

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AUG 17 2009

OFFICE OF PETITIONS

In re Application of :
Volker HECHT, et al :
Application No. 11/567,625 : DECISION ON PETITION
Filed: December 6, 2006 :
Attorney Docket No. ACT-413COA :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before June 24, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed March 24, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on June 25, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue Fee of $1510 and publication fee of $300; (2) the petition fee of $1620 and (3) a proper 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 Diane Goodwyn at (571) 272-6735.

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

Thurman K. Page
Petitions Examiner
Office of Petitions

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INTELLECTUAL PROPERTY MANAGEMENT
BOEING MANAGEMENT COMPANY
P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

Applicant	: ROGER W. ENGELBART	: DECISION ON REQUEST FOR
Patent Number	: 7617714	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/567,673	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **152** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH, VA 22042-2924

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OCT 23 2008

OFFICE OF PETITIONS

In re Application of	:	
LIANG, et al.	:	
Application No. 11/567,694	:	DECISION GRANTING PETITION
Filed: December 6, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 07783.0084.DVUS01	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 17, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

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

Petitioner is advised that the issue fee paid on July 15, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1795 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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LEVINE BAGADE HAN LLP
2483 EAST BAYSHORE ROAD, SUITE 100
PALO ALTO, CA 94303

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AUG 25 2008

OFFICE OF PETITIONS

In re Application of :
TO, John et al. :
Application No. 11/567,715 : DECISION ON PETITION
Filed: December 06, 2006 : TO WITHDRAW
Attorney Docket No. **ATHRNZ00500** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 16, 2008.

The request is not approved because it is **moot**.

A review of the file record indicates that the power of attorney to LEVINE BAGADE HAN LLP has been revoked by the assignee of the patent application on July 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 Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **RYAN KROMHOLZ & MANION, S.C.**
POST OFFICE BOX 26618
MILWAUKEE WI 53226

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Patent Venture Group
10788 Civic Center Drive, Suite 215
Rancho Cucamonga, CA 91730-3805

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JUL 31 2009

OFFICE OF PETITIONS

In re Application of	:	
John Almberg	:	
Application No. 11/567,716	:	CORRECTED DECISION ON
Filed: December 6, 2006	:	PETITION TO WITHDRAW
Attorney Docket No. 60796.300101	:	FROM RECORD
	:	

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

The request is **NOT APPROVED**.

A review of the file record indicates that Patent Venture Group: (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.

The correspondence address has been changed and is copied below.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: John Almberg
249 Lennox Road
Huntington Station, NY 11746

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JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI 100 TW TAIWAN

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JUN 16 2010

OFFICE OF PETITIONS

In re Application of :
JEN-WEI LO :
Application No. 11/567,725 :
Filed: December 6, 2006 :
Attorney Docket No. **23451-US-PA** :

NOTICE

This is a notice regarding your request filed March 25, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD VA 22116

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AUG 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Wu and Chen	:	DECISION ACCORDING STATUS
Application No. 11/567,738	:	UNDER 37 CFR 1.47(a)
Filed: 12/07/2006	:	
Attorney Docket No. MTKP0039USA4	:	

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

The petition under 37 CFR 1.47(a) is granted.

Petitioners showed that the non-signing inventor constructively refused to join in the filing of the above-identified application after having been mailed the application papers. Specifically, petitioners established that they present a copy of the application papers to the last known address of the non-signing inventor; however, the inventor did not respond to the request to sign the declaration.

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

The matter is being referred to the Office of Initial Patent Examination for further processing.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Jen-Shi Wu
No. 30, Lane 177, Shih-Pin Rd.
Hsin-Chu City, Taiwan, R.O.C.

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AUG 17 2007

OFFICE OF PETITIONS

In re Application of :
Wu and Chen :
Application No. 11/567,738 :
Filed: 12/07/2006 :
Attorney Docket No. MTKP0039USA4 :

LETTER

Dear Jen-Shi Wu:

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

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

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or (800) 972-6382 (outside the Washington, DC area).

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD VA 22116

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BLANCHARD & ASSOCIATES
566 WEST ADAMS STREET,
SUITE 600
CHICAGO, IL 60661

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OFFICE OF PETITIONS

In re Application of	:	
King Lun YEUNG, et al	:	
Application No. 11/567,750	:	DECISION ON PETITION
Filed: December 7, 2006	:	TO WITHDRAW
Attorney Docket No. WKG02_009_US (H1584-14)	:	FROM RECORD

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 2, 2009.

The request is **NOT APPROVED.**

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

The request cannot be approved because there is no indication that the act noted above at items 1 and 3 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: PAUL E. RAUCH
600 WEST JACKSON BLVD.,
SUITE 625
CHICAGO, IL 60661

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BANCHARD & ASSOCIATES
566 WEST ADAMS STREET
SUITE 600
CHICAGO, IL 60661

In re Application of	:	
King Lun YEUNG, et al	:	
Application No. 11/567,750	:	DECISION ON PETITION
Filed: December 7, 2006	:	TO WITHDRAW
Attorney Docket No. WKG02_009_US (H1584-14)	:	FROM RECORD

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 20, 2009.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address does not include a proper power of attorney nor is the address that of: (1) the first named inventor; or (2) an assignee of the entire interest who has properly been made of record under 37 CFR 3.71.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

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

/Diane Goodwyn/
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/567,804	12/07/2006	Yoshiyuki Yamaji	JP920050133US1	8252

27431 7590 06/10/2008
SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE, CA 92618

EXAMINER	
NORRIS, JEREMY C	

ART UNIT	PAPER NUMBER
2841	

MAIL DATE	DELIVERY MODE
06/10/2008	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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SHIMOKAJI & ASSOCIATES, P.C.
8911 Research Drive
Irvine, CA 92618

In re Application of
Yoshiyuki Yamaji, et al.
Application No.: 11/567,804
Filed: December 7, 2006
Attorney Docket No.: JP920050133US1

For: Semiconductor Package and Manufacturing Method Therefor

: DECISION ON REQUEST TO
: PARTICIPATE IN THE 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) program and the petition under 37 CFR 1.102(d), filed May 15, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, 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 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).

Conditions 2-4, and 7 above are considered to have been met. The request to participate in the PPH pilot program and petition, however fails to meet conditions 1, 5.c., and 6.b. above. This request to participate in the PPH pilot program and petition fails to:

i. Identify the relationship between the JPO application with similar claims and the JPO priority application. Here it is noted that the JPO application (JP92050133JP1) with similar claims is not the same application from which the U.S. application claims priority (2005-378948);

ii. Include a statement that the English translation of the JPO Office action from (5)(a)(i)-(ii) above is accurate; and,

iii. Include copies of the documents cited by the JPO examiner in the JPO office action. Here it is noted that the USPTO has received complete copies of JP application publications 2005-005568, and 11-054927, however, have only received copies of the abstract and pages 1 & 2 of JP application publication 2002-043558, the abstract and page 1 of JP application publication H05-243231, and the abstract and page 1 of JP application publication 2001-177010.

A proper response in this case must:

1. Identify the relationship between the JPO application with similar claims (JP92050133JP1) and the JPO priority application (2005-378948);

2. Provide an English language translation of the JPO Office action from (5)(a)(i)-(ii) above with a statement that the English translation is accurate; and

3. Include a proper IDS listing JP application publication 2002-043558, JP application publication H05-243231, and JP application publication 2001-177010 cited by the JPO examiner in the JPO office action along with copies of the documents.

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

Response must be 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/567,804	12/07/2006	Yoshiyuki Yamaji	JP920050133US1	8252

27431 7590 07/09/2008
SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE, CA 92618

EXAMINER	
NORRIS, JEREMY C	

ART UNIT	PAPER NUMBER
2841	

MAIL DATE	DELIVERY MODE
07/09/2008	PAPER

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

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

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SHIMOKAJI & ASSOCIATES, P.C.
8911 Research Drive
Irvine, CA 92618

In re Application of
Yoshiyuki Yamaji, et al.
Application No.: 11/567,804
Filed: December 7, 2006
Attorney Docket No.: JP920050133US1

For: Semiconductor Package and Manufacturing Method Therefor

: DECISION ON REQUEST TO
: PARTICIPATE IN THE 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) program and the petition under 37 CFR 1.102(d), filed May 15, 2008, and the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program, filed June 25, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, 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 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).

A proper response in this case was received on June 25, 2008 and included the following:

1. Identified the relationship between the JPO priority application (2005-378948) and the document (JP92050133JP1) with similar claims;

2. Provided an English language translation of the JPO Office action from (5)(a)(i)-(ii) above with a statement that the English translation is accurate; and

3. Included a proper IDS listing JP application publication 2002-043558, JP application publication 2005-243231, and JP application publication 2001-177010 cited by the JPO examiner in the JPO office action along with copies of the documents.

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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SCHLUMBERGER OILFIELD SERVICES
200 GILLINGHAM LANE
MD 200-9
SUGAR LAND TX 77478

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OCT 13 2009

OFFICE OF PETITIONS

In re Application of
Downton
Application No. 11/567,833
Filed: December 7, 2006
Attorney Docket No. 92.1077
For: STEERING OF BENT HOUSING MUD MOTOR DOWNHOLE ROTATION DEVICE

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 9, 2009, to revive the above-identified application.

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

This application became abandoned for failure to timely reply to the Restriction Requirement, mailed February 10, 2009, which set a one month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on March 11, 2009. A Notice of Abandonment was mailed on September 9, 2009.

Applicant has submitted a proper reply to the Restriction Requirement in the form of an election, an acceptable statement of the unintentional nature of the delay in responding to the Restriction Requirement, and the $1,620.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

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

After the mailing of this decision, the file will be returned to Technology Center AU 3676 for consideration of the election filed on September 9, 2009.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: VINCENT LOCCISANO
SCHLUMBERGER
STONEHOUSE TECHNOLOGY CENTER
BRUNEL WAY
STONEHOUSE, GLOUCESTERSHIRE
GL10 3SX
UNITED KINGDOM

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DALINA P.C.
LAW GROUP
SAN DIEGO
7910 Ivanhoe Ave., Ste. 325
La Jolla CA 92037

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OCT 09 2007

OFFICE OF PETITIONS

In re Application of
Mueller, Schaldach, Neumann, Uhrlandt
and Starke
Application No. 11/567,837
Filed: 12/07/2006
Attorney Docket No. 1131-P0018
Title: Housing for a Medical Implant

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed June 8, 2007. Petitioners obtained an extension of time for response within the third month. Accordingly, the petition is filed timely.

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

Petitioners showed that the non-signing inventor constructively refused to join in the filing of the above-identified application after having been mailed the application papers. Specifically, petitioners established that they mailed a copy of the application papers to the last known address of the non-signing inventor; however, he did not respond to the request to sign the declaration.

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

The matter is being referred to Technology Center Art Unit 2833 for examination in due course.

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

C.T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Niels Mueller
Oelmuehle 14
D-20357 Hamburg, Germany

In re Application of	:	
Mueller, Schaldach, Neumann, Uhrlandt	:	
and Starke	:	LETTER
Application No. 11/567,837	:	
Filed: 12/07/2006	:	
Attorney Docket No. 1131-P0018	:	
Title: Housing for a Medical Implant	:	

Dear Mr. Mueller:

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

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

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or (800) 972-6382 (outside the Washington, DC area).

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: DALINA P.C.
LAW GROUP
SAN DIEGO
7910 Ivanhoe Ave., Ste. 325
La Jolla CA 92037

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SNELL & WILMER, L.L.P. (MAIN)
400 EAST VAN BUREN,
ONE ARIZONA CENTER
PHOENIX, AZ 85004-2202

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MAR 12 2009

OFFICE OF PETITIONS

In re Application of	:	
John C. OPIE	:	
Application No. 11/567,851	:	DECISION ON PETITION
Filed: December 7, 2006	:	TO WITHDRAW
Attorney Docket No. 50202.0717	:	FROM RECORD
	:	

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

The request is **NOT APPROVED**.

A review of the file record indicates that Damon L. Boyd, Esq., does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: PHIL MITCHELL/JS VASCULAR
7300 E. ACOMA DRIVE
SCOTTSDALE, AZ 85260

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STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON, DC 20006

Mail Date: 04/21/2010

Applicant	: Myong-jong Kwon	: DECISION ON REQUEST FOR
Patent Number	: 7581820	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/567,877	: OF WYETH
Filed	: 12/07/2006	:
		:

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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WOLF GREENFIELD (Microsoft Corporation)
C/O WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

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JUN 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Kenneth H. Abbott et al :
Application No. 11/567,902 : ON PETITION
Filed: December 7, 2006 :
Attorney Docket No.

This is a decision on the petition, filed May 29, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 22, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2454 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

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600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

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JUN 24 2009

OFFICE OF PETITIONS

In re Application of :
Kenneth H. Abbott et al :
Application No. 11/567,902 : ON PETITION
Filed: December 7, 2006 :
Attorney Docket No. M1103.70773US00

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 17, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2454 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

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

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OCT 27 2009

OFFICE OF PETITIONS

In re Application of :
Kenneth H. Abbott et al :
Application No. 11/567,902 : ON PETITION
Filed: December 7, 2006 :
Attorney Docket No. M1103.70773US00

This is a decision on the petition, filed October 26, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 14, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2454 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/567,912	12/07/2006	Kaoru Koike	09792909-6854	8422

7590 12/13/2007

SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

EXAMINER	
ERDEM, FAZLI	

ART UNIT	PAPER NUMBER
2826	

MAIL DATE	DELIVERY MODE
12/13/2007	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 12/13/2007 KKING1
12/07/2006 INTEFSW 00001590 11567912
02 FC:1111 -500.00 OP

Refund Ref:
12/13/2007 0030048178

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX2000

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 05/21/2010

Applicant	: Michael P. Husby	: DECISION ON REQUEST FOR
Patent Number	: 7636598	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/567,924	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **310** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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JAN 28 2010

OFFICE OF PETITIONS

Meyer, Unkovic & Scott LLP
1300 Oliver Building
535 Smithfield Street
Pittsburgh PA 15222

In re Application of :
Roman I. PANKIW et al. :
Application No. 11/567,944 : ON PETITION
Filed: July 31, 2007 :
Attorney Docket No. 270262.105NP :

This is a decision on the petition filed July 31, 2007, requesting that the above-identified application be accorded a filing date of December 7, 2006. The petition is being treated under 37 CFR 1.53(e). The delay in addressing the instant petition is regretted.

BACKGROUND

On December 7, 2006, an attempt at filing the instant application was made, the submission consisting of a two-page fee worksheet and an authorization to charge deposit account 50-3325 for the utility filing, search, and examination fees in the instant application. On July 31, 2007, petitioners filed the present petition and petition fee, as well as arguments in favor of an earlier filing date of December 7, 2006 and supporting documentation including 28 pages of specification, a one-page abstract of the disclosure, and nine pages of drawing figures. Petitioners assert that despite repeated attempts to obtain a filing receipt for the instant application, one could not be generated because the application could not be located.

DISCUSSION

35 USC 111(a)(4) states "The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office."

The Legal Framework for EFS-Web in effect on December 7, 2006 states, in pertinent part:

> "What is the date of receipt of an application received under the EFS-Web?
> 35 USC 111(a)(4) states in part (emphasis added):

> The filing date of an application shall be the date on which the specification and any required drawing are **received in the Patent and Trademark Office**.

Thus, the filing date of an application is the date of receipt of the application in the USPTO. Further, the USPTO is located in the Eastern Standard Time zone. Accordingly, the date of filing of an application officially submitted through EFS-Web will be the date in the Eastern Standard Time zone at the time of submission. As such, the submission's "date of receipt", as shown on the Acknowledgement Receipt, is the Eastern Standard Time date that the documents are fully, successfully, and officially received at the USPTO as indicated by pressing the Submit Button on the Confirm and Submit screen. This date is controlling for filing date purposes of your newly filed application. There is no "certificate of transmission" practice for new application e-filings (37 CFR 1.8).

Petitioners have indicated that no record of the instant application can now be found despite the USPTO's acknowledgement of filing on December 7, 2006. Petitioners assert that telephone contact was made with the Office in an attempt to obtain a paper filing receipt in the instant application. Petitioners assert that in a further telephone call with the Office of Initial Patent Examination (formerly OIPE, now the Office of Patent Application Processing (OPAP)), petitioners were advised to submit another copy of the application, accompanied by the instant petition and fee, to obtain the alleged original filing date of the instant application.

Petitioners now request that the papers filed with the instant petition be regarded as the application and accorded a filing date of December 7, 2006 because the USPTO is unable to locate the application as-filed on December 7, 2006.

With regard to petitioners' argument, the instant application was properly accorded a filing date of December 7, 2006. A review of the instant application file reveals that a submission was received by the USPTO via EFS-Web on December 7, 2006 consisting only of a two-page fee worksheet authorizing payment in the amount of $425 to cover filing fees for the instant application. An electronic acknowledgement receipt for the above-noted submission was generated at 15:02:09 on December 7, 2006. In the "Application Details" section, filing of only a two-page file titled "fee-info.pdf" is evidenced. The electronic acknowledgement receipt includes the following language warning applicants of the effect of the Receipt and a clear indication of what was received in this submission:

> "This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.
>
> New Applications Under 35 U.S.C. 111

> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application."

Thus petitioners' arguments that Applicants' legal counsel received no notice that the above-captioned, electronically submitted application was flawed or otherwise deficient are unpersuasive (see Marchionno-Adams affidavit, pg. 2, paragraph 1). To the contrary, the Electronic Acknowledgement Receipt evidences only the filing of a two-page fee worksheet. Similarly, arguments and evidence contained in subsection 4 and Exhibit 2 of the Marchionno-Adams affidavit are insufficient to demonstrate filing of a specification, drawings, and at least one claim in compliance with 35 USC 111(a) on December 7, 2006. The tabbed review sheets printed from the USPTO website fail to demonstrate that a 35-page application was filed. Petitioners' attention is directed to Exhibit 2, page 1 that contains a clear advisory statement "A submission has not been filed officially at the USPTO until the e-filer executes the Submit function a.....USPTO Eastern Time. The Acknowledgement Receipt is evidence of this submission.[1]" As the screen shots are illustrations of review pages taken PRIOR to executing the submit function and they are not the Official acknowledgement of receipt of documents, they fail to demonstrate the filing of the alleged 35-page application.

CONCLUSION

Accordingly, the petition is **DISMISSED**.

The petition fee will not be refunded because the present petition was not necessitated by any error on the part of the United States Patent and Trademark Office.

The instant application is being referred to the Office of Patent Application Processing for issuance of a filing receipt bearing a filing date of July 31, 2007 for the instant application

Any inquiries related to this decision should be directed to B. Dayoan at (571) 272-3209.

Anthony Knight
Supervisor
Office of Petitions

[1] The full text reads "A submission has not been filed officially at the USPTO until the e-filer executes the Submit function and the documents are received at the USPTO Eastern Time. The Acknowledgement Receipt is evidence of this submission."

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

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FEB 27 2008

OFFICE OF PETITIONS

In re Application of	:	
Yusuke Yamada et al	:	
Application No. 11/567,973	:	DECISION GRANTING PETITION
Filed: December 7, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 00684.003330.8	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 26, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 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 should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2852 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy
Petitions Examiner
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10-20-08

TO SPE OF : ART UNIT 2852

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/567982 Patent No.: 7324777

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: _____

/David M. Gray/ — **SPE**

2852 — **Art Unit**

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January 5, 2009

Benjamin J. Hauptman, Esq.
1700 Diagnoal Road, Suite 300
Alexandria, VA 22314

Patent No.: 7,459,859 B2
Application No.: 11/567,989
Inventor(s): Ming-Chun Tseng, et al.
Issued: December 2, 2008
Title: **ORGANIC LIGHT EMITTING DISPLAY HAVING ORGANIC LIGHT EMITTING DIODE CIRCUIT WITH VOLTAGE COMPENSATION AND TECHNIQUE THEREOF**

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

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MAR 02 2009

OFFICE OF PETITIONS

In re Patent No. 7,459,859 :
Issued: December 2, 2008 :
Application No. 11/567,989 : ON PETITION
Filed: December 7, 2006 :
Attorney Docket Number: 4698-020 :

This is a decision on the petition, filed January 12, 2009, under 37 CFR 3.81(b)[1], to correct the assignee's name on the front of the Patent.

The petition is **GRANTED**.

Petitioner states that the name of a second assignee, was inadvertently not included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the name of the second assignee on the front page of the Letters Patent.

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

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

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

A request for a certification of correction was filed December 9, 2008 and was dismissed in a decision mailed January 5, 2009 since the request was not accompanied by a petition under 37 CFR 3.81 and the proper fees.

Office assignment records reflect that CHI MEI EL CORPORATION is also an assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to issue.

The petition fee and the fee for the certificate of correction have been properly applied.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This file is being referred to the Certificates of Correction Branch for issuance of a certificate of correction.

Patricia Faison-Ball
Senior 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.
11/567,997	12/07/2006	Stephen J. Brown	7553.00033 / 06-0506	8562

60683 7590 06/02/2009

HEALTH HERO NETWORK, INC.
2400 GENG ROAD, SUITE 200
PALO ALTO, CA 94303

EXAMINER	
NGUYEN, THANH T	

ART UNIT	PAPER NUMBER
2444	

MAIL DATE	DELIVERY MODE
06/02/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JUN 02 2009

TECHNOLOGY CENTER 2100

Christopher P. Maiorana P.C.
HEALTH HERO NETWORK, INC.
2400 GENG ROAD, SUITE 200
PALO ALTO CA 94303

In re Application of: BROWN, Stephen J.
Application No. **11/567,997**
Filed: December 07, 2006
Atty. Docket No. 7553.00033 / 06-0506
Title: SYSTEM AND METHOD FOR MODIFYING DOCUMENTS SENT OVER A COMMUNICATIONS NETWORK

DECISION ON PETITION
UNDER 37 C.F.R. § 1.181

This is a decision on the petition filed May 29, 2009 under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner and require the Examiner to withdraw the Notice of Non-Compliant Amendment under 37 CFR 1.121.

The Applicant's counsel filed a petition to the Director under 37 CFR § 1.181 to seek relief from actions of the Examiner in relation to Notice of Non-compliant Amendment under 37 CFR 1.121 mailed April 29, 2009 in response to Applicant's Amendment filed January 21, 2009. The amendment document filed on January 21, 2009 was considered non-compliant by Examiner because allegedly amendment failed to meet the requirement of 37 CFR 1.111. Specifically, "point out specific paragraphs in the specification for the claimed amendment".

Responsive to the Notice of non-compliant amendment mailed April 29, 2009 applicant request withdrawal of the same as being clearly erroneous.

Accordingly, the petition is **GRANTED.**

RULES AND REGULATIONS

704.11(a) [R-3] Examples of Information Reasonably Required

37 CFR 1.105(a)(1)(i)(viii) lists specific examples of information that may be reasonably required. Other examples, not meant to be exhaustive, of information that may be reasonably required for examination of an application include:

(S) Interrogatories or Stipulations.

(8) Of support for added limitations in an amended claim,

714.02 [R-3] Must Be Fully Responsive

37 CFR 1.111 Reply by applicant or patent owner to a non-final Office action.

(a) (1) If the Office action after the first examination (§ 1.104) is adverse in any respect, the applicant or patent owner, if he or she persists in his or her application for a patent or

reexamination proceeding, must reply and request reconsideration or further examination, with or without amendment. See § 1.135 and 1.136 for time for reply to avoid abandonment.

(2) Supplemental replies.

(b) In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner 's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. ...

(c) ...

The claims may be amended by canceling particular claims, by presenting new claims, or by rewriting particular claims as indicated in 37 CFR 1.121(c). The requirements of 37 CFR 1.111(b) **must** be complied with by *pointing out the specific distinctions believed to render the claims patentable over the references in presenting arguments in support of new claims and amendments.*

An amendment submitted after a second or subsequent non-final action on the merits which is otherwise responsive but which increases the number of claims drawn to the invention previously acted upon is not to be held not fully responsive for that reason alone. (See 37 CFR 1.112, MPEP § 706.)

The prompt development of a clear issue requires that the replies of the applicant meet the objections to and rejections of the claims. Applicant ***should*** also specifically *point out the support for any amendments made to the disclosure. See MPEP § 2163.06.* An amendment which does not comply with the provisions of 37 CFR 1.121(b), (c), (d), and (h) may be held not fully responsive. See MPEP § 714.

DECISION

A review of the file, particularly, remarks section of Amendment document filed on January 21, 2009. Section heading "Support for the claim Amendments" shows that "[S]support for the claim amendments may be found in the specification, for example, on page 3 lines 28-33, page 15 line 21 o page 16 line ii, and Figs. i, 4A and 4B, as originally filed. Thus, no new matter has been added."

Thus, Amendment filed on January 21, 2009 in response to non-final office action mailed October 21, 2008 seems to point out the specific distinctions believed to render the claims patentable over the references in presenting arguments in support of new claims and amendments and additionally point out the support for any amendments made to the disclosure. Hence, Amendment filed on January 21, 2009 is in compliance with the above mentioned requirements of 37 CFR 1.105(a)(1)(i)(viii) (S)(8) and 37 CFR 1.111(c).

Accordingly, the petition is **GRANTED.**

The application will be forwarded to the Examiner to withdraw Notice of non-compliant amendment mailed April 29, 2009.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902.

If attempts to reach the undersigned by telephone are unsuccessful, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/bp/

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security

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VARIAN SEMICONDUCTOR EQUIPMENT ASSC., INC.
35 DORY RD.
GLOUCESTER, MA 01930-2297

Mail Date: 04/26/2010

Applicant	: Donna L. Smatlak	: DECISION ON REQUEST FOR
Patent Number	: 7655922	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/568,000	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **330** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Cozen O''''Connor
277 PARK AVENUE
20th Floor
NEW YORK NY 10172

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JUN 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Pere Dalmases Barjoan, et al.	:	
Application No. 11/568,021	:	DECISION ON PETITION
Filed: October 17, 2006	:	
Attorney Docket No. OFICINA-256659	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 5, 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 May 3, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed February 1, 2010. Accordingly, the date of abandonment of this application is May 4, 2010. The Notice of Abandonment was mailed May 17, 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 the publication fee of $300, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

13 AUG 2008

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

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

In re Application of BULLARD et al	:	
U.S. Application No.: 11/568,028	:	
PCT Application No.: PCT/US2004/043606	:	
Int. Filing Date: 27 December 2004	:	DECISION
Priority Date Claimed: 30 December 2003	:	
Attorney Docket No.: 59436US005	:	
For: PATTERNED CIRCUITS AND METHOD FOR MAKING SAME	:	

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 17 October 2006.

BACKGROUND

On 27 December 2004, applicant filed international application PCT/US2004/043606, which claimed priority of an earlier United States application filed 30 December 2003. The thirty-month period for paying the basic national fee in the United States expired on 30 June 2006.

On 01 July 2006, international application PCT/US2004/043606 became abandoned as to the United States for failure to timely pay the basic national fee.

On 17 October 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 reply 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.

The application has an International Filing Date under 35 U.S.C. 363 of 27 December 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 October 2006.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 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
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/568,061	02/06/2009	Hiraku Akiho	09792909-6841	9002

7590 08/21/2009

SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, WILLIS TOWER
CHICAGO, IL 60606-1080

EXAMINER	
ART UNIT	PAPER NUMBER
2821	
MAIL DATE	DELIVERY MODE
08/21/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

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

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date Mailed: December 23, 2008

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

Applicant: Yoshimura
Appl. No.: 11/568,086
Filing Date: October 19, 2006
Title: POLYMER HAVING OXOCARBON GROUP, AND USE THEREOF
Attorney Docket No.: Q97742
Pub. No.: US 2007/0218335 A1
Pub. Date: September 20, 2007

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on December 22, 2008, for the above-identified application.

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

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, **as a Pre-Grant publication submission.** The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

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

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

By facsimile: 571-273-8300

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

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

Adjustment date: 12/24/2008 KKING1
12/23/2008 INTEFSW 00003810 194880 11568086
01 FC:1504 300.00 CR

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

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FEB 29 2008

OFFICE OF PETITIONS

In re Application of :
Louis Ferrrero et al. :
Application No. 11/568,148 : DECISION ON PETITION
Filed: October 20, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 101215-239 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 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 Karin Golz-Berner's passport. 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.

Upon completion of the pre-examination processing by the Office of Initial Patent Examining, this application will be referred to Technology Center Art Unit 1616 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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NORRIS, MCLAUGHLIN & MARCUS, P.A.
875 THIRD AVE.
18TH FLOOR
NEW YORK, NY 10022

MAILED

JUL 31 2009

OFFICE OF PETITIONS

Applicant: Louis Ferrero, et al.
Appl. No.: 11/568,148
International Filing Date: April 14, 2005
Title: METHOD FOR DETERMINING AN INTEGRAL SUN PROTECTION FACTOR ENCOMPASSING UVA AND UVB RADIATION
Attorney Docket No.: 101215-239
Pub. No.: US 2008/0224059 A1
Pub. Date: September 18, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 1, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the spelling of the assignee's names is incorrect.

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

The request for corrected publication, received on September 4, 2008, was not timely filed under 37 CFR 1.221(b).

The error on the front page of the publication wherein the spelling of the assignee's names are misspelled in part may be an Office error, but it is not a material Office error under 37 CFR 1.221. The ADS filed with the application on October 20, 2006 has "Haarlen" spelled as listed

[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).

on the publication. Furthermore, the misprinting of the assignee's name 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. See MPEP 1130.

On June 6, 2008, a Filing Receipt was mailed by the Office, which improperly listed the assignee's name. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

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

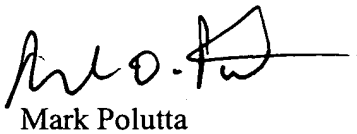
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

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

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

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



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

UNITED STATES PATENT AND TRADEMARK OFFICE

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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. Box 2902
MINNEAPOLIS, MN 55402-0902

AUG 16 2007

In re Application of	:	DECISION ON REQUEST TO
Shozo OSHIO	:	PARTICIPATE IN PATENT
Application No. 11/568149	:	PROSECUTION HIGHWAY
Filed: October 20, 2006	:	PILOT PROGRAM AND PETITION
Attorney Docket No. 10873.1696USWO	:	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 July 25, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

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

Kathryn Gorgos
TQAS TC 1700

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

07 MAR 2008

Pharmacia Corporation
Global Patent Department
Post Office Box 1027
St. Louis, MO 63006

In re Application of
AUDOLY, Laurent Pascal
Application No.: 11/568,152
PCT No.: PCT/IB05/00935
Int. Filing Date: 08 April 2005
Priority Date: 20 April 2004
Attorney Docket No.: PC26201A
For: COMBINATION COMPRISING ALPHA-2-DELTA LIGANDS AND EP4 RECEPTOR ANTAGONISTS

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 28 February 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 an executed declaration 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

UNITED STATES PATENT AND TRADEMARK OFFICE

15 JUL 2008

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

In re Application of WILLIAMS et al.
Application No.: 11/568,153
PCT No.: PCT/US05/13825
Int. Filing: 21 April 2005
Priority Date: 21 April 2004
Attorney Docket No.: 048777/277588
For: MANUALLY OPERATED INSUFFLATOR:

: DECISION ON PETITION
:
: UNDER 37 CFR 1.47(a)

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 02 October 2007, to accept the application without the signature of joint inventor HARRY BRATTON.

BACKGROUND

On 20 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 06 June 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 02 October 2007, applicant filed the instant 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 HARRY BRATTON, alleging that Mr. BRATTON 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 executed by the available joint inventors on their behalf and on behalf of the non-signing inventor was submitted. Item (4) is satisfied.

Refusal of Inventor

With respect to Item (2) above, the statement of facts in support of filing on behalf of the nonsigning inventor, provided by counsel of record John Johnson, was made part of the petition, detailing the efforts made to obtain the nonsigning inventor's signature. Mr. Johnson does not make his statement based upon first hand knowledge. His associate and his assistant contacted the nonsigning inventor's former employer in their attempts to reach Mr. Bratton's and obtain his signature on the 'declaration' only. Petitioner does not provide any evidence that a complete copy of the application papers were presented to the nonsigning inventor for his signature and that he refuses to sign the application papers. *See* Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal.[1]

Unavailability of Inventor

If Petitioner is unable to find or reach Mr. Bratton, Petitioner must demonstrate what "diligent efforts" were undertaken by Petitioner to locate Mr. Bratton and obtain his signature on the declaration. No evidence is presented to show that the application papers were sent to Mr. Bratton's last known address and that either he received them or that they were returned by the postal service/messenger as undeliverable.

As indicated in the MPEP Section 409.03(d), where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It

---

[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.

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.)

is important that the statement contain facts as opposed to conclusions.

Here, diligent efforts made to locate Mr. Bratton were not pursued and documented, such as Internet searches, contact with the joint inventors to obtain Mr. Bratton's current address, a forwarding address or current email address from his employer. No attempt to reach Mr. Bratton's by telephone was made. 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. Petitioner's statement of facts under 37 CFR 1.47(a) does not indicate that any search for Mr. Bratton's new address was made. Since no attempts to locate inventor Bratton were documented, it can not be concluded that "a diligent effort" was made to locate the non-signing inventor.

The action taken by petitioner is not sufficient to prove that "a diligent effort" was made to contact the nonsigning inventor. Under these circumstances, it cannot be concluded that Mr. Bratton is unavailable to sign the application.

In sum, Petitioner has satisfied Items (1), (3) and (4).

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 11/568,153 (specification, including claims, drawings, and declaration) to the nonsigning inventor for his signature and Mr. Bratton's refusal to sign, either in writing or by telephone, these documents or (2) a first hand statement of the "diligent efforts" made to contact the nonsigning inventor Bratton. 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/

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile (571) 272-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

19 FEB 2009

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

In re Application of WILLIAMS et al.	:
Application No.: 11/568,153	: DECISION ON
PCT No.: PCT/US05/13825	:
Int. Filing: 21 April 2005	:RENEWED PETITION
Priority Date: 21 April 2004	:
Attorney Docket No.: 048777/277588	:UNDER 37 CFR 1.47(a)
For: MANUALLY OPERATED INSUFFLATOR:	

This is a decision on applicant's response, treated as a renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 02 October 2007. Petitioner's request for a two month extension of time is granted.

BACKGROUND

On 20 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 06 June 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 02 October 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 HARRY BRATTON, alleging that Mr. BRATTON refused to sign the application and is unavailable.

On 15 July 2008, a decision dismissing the petition was mailed indicating that Petitioner had not satisfied the requirements of 37 CFR 1.47(a).

On 07 November 2008, Petitioner filed the instant response along with a fully executed declaration and a request for a two month extension of time.

DISCUSSION

Petitioner has now presented the declaration signed by inventor Harry Bratton and the joint inventors. A review of the declaration reveals that the declaration identifies and is executed by all the inventors named in the international application. The declaration states the residency,

citizenship and mailing address of each inventor.

The petition under 37 CFR 1.47(a) is considered moot as declaration executed by the previously unavailable inventor has now been submitted. The declaration is acceptable under 37 CFR 1.497(a) and (b).

CONCLUSION

For the above reasons, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

The declaration, executed by the joint inventors and submitted on 07 November 2008, is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

This application is being forwarded to United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 07November 2008.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

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CHICAGO IL 60606

In re Application of ANAND et al. Application No.: 11/568,173 PCT No.: PCT/US05/13860 In. Filing Date: 22 April 2005 Priority Date: 23 April 2004 Atty. Docket No.: 05-954-A5 For: KINASE MODULATORS AND METHODS OF USE	DECISION on REQUEST

This is in response to applicant's "Petition to Contest Excess Application Page Fee Due in Response to the Notification of Missing Requirements under 35 U.S.C. 371 Mailed July 12, 2007" filed 26 July 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 20 October 2006, within the thirty month deadline, applicant filed a transmittal letter requesting national stage entry for international application No. PCT/US05/13860 along with the basic national fee.

On 12 July 2007, a Notification of Missing Requirements was mailed indicating that "the fee for electronically submitting a specification and drawing containing more than 100 pages has not been paid in full. Applicant owes $250 for 10 pages in excess of 200 pages for a large entity".

On 26 July 2007, applicant filed the instant request.

DISCUSSION

Applicant acknowledges that on 20 October 2006, the specification and drawings as electronically filed totaled 210 pages. Applicant contends that the application size fee for electronically filed applications is calculated at a rate of 75% and that he is entitled to reduced fees for electronically filing his application.

37 CFR 1.52(f) states that "the paper size equivalent of the specification and drawings of an application submitted via the Office electronic filing system will be considered to be seventy-five percent of the number of sheets of paper present in the specification and drawings...as required by §1.16(s)." Section 1.16(s) indicates that "application size fee for any application under 35 U.S.C. 111". The instant application does not qualify for a reduced fees for electronic filing because the reduced fee is applicable only to applications filed under 35 U.S.C. 111. The instant application is filed under 35 U.S.C. 371 and is not eligible for the reduced fee.

CONCLUSION

Based on the above, the appropriate fee for electronically submitting a specification and drawings containing more than 100 pages is $250. Per applicant's authorization, the $250 page fee will be charged to applicant's deposit account.

The Petition to Contest Excess Application Page Fee is **DISMISSED WITHOUT PREJUDICE**.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: 571-272-3286

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10 JUL 2007

SENNIGER POWERS
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

In re Application of :
HUANG, Xiaoqing et al. :
Application No.: 11/568,180 :
PCT No.: PCT/CN04/00387 :
Int. Filing Date: 22 April 2004 : DECISION
Priority Date: none :
Attorney Docket No.: CCPT 4064 :
(IEE040009PUS) :
For: A DISTRIBUTED WIRELESS ... :
THE RESOURCE CENTRALLY :

This decision is in response to applicant's "Request For Correction," filed in the United States Patent and Trademark Office on 11 May 2007. It has been treated as a petition under 37 CFR 1.181.

On 20 October 2006, applicants filed a transmittal letter for entry into the national phase in the United States, accompanied by the basic national fee.

On 11 May 2007, applicants filed this petition alleging that the application was listed as the national phase of PCT/US04/00387 in USPTO records and asking that the error be corrected.

A review of USPTO records revealed no such reference to this application. It is listed as the national phase of PCT/CN04/00387.

Applicant's petition is **DISMISSED AS MOOT**.

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

Any further correspondence with respect to this matter 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
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OFFICE OF PETITIONS

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6731

In re Application of :
Sepas Setayesh, et al. :
Application No. 11/568,192 : ON PETITION
Filed: October 23, 2006 :
Attorney Docket No. 259768 :

This is a decision in response to the communication filed January 6, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to reply to in a timely manner to the Restriction Requirement, mailed April 16, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). A Notice of Abandonment was mailed on October 5, 2009. In response, on January 6, 2010, the present petition was filed wherein petitioner asserts that the Notice was mailed in error, since the reply was timely filed on October 16, 2009

A review of the record confirms that petitioner is correct. In view of the filing of an appropriate request for extension of time and fee on October 16, 2009, the response period of May 16, 2009 was properly extended to October 16, 2009 and the response filed thereon is considered timely.

Consequently, the holding of abandonment for failure to timely file a response to the Office communication of April 16, 2009 is withdrawn and the application is restored to pending status.

The Notice of Abandonment mailed October 5, 2008 was premature and is hereby vacated.

This application is being referred to Technology Center AU 2812 for appropriate action in the normal course of business on the reply received October 16, 2009.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

21 NOV 2006

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Mike J. Ure
Philips Electronics North America Corporation
Intellectual Property & Standards
1109 McKay Drive, M/S41-SJ
San Jose, CA 95131

Dear Mr. Ure:

On 20 October 2006, you filed in the United States Patent and Trademark Office (USPTO) papers requesting entry into the national phase of international application PCT/IB05/51312, filed 21 April 2005, entitled PIPELINED ASYNCHRONOUS INSTRUCTION PROCESSOR CIRCUIT. The inventors are indicated as Adrianus BINK and Mark N. O. DE CLERCQ. Your attorney docket number is NL040418US1.

The inventors have filed separate papers requesting entry into the national phase of international application PCT/IB05/51312 and have appointed lawyers from another firm to represent them before the USPTO. The papers that you filed on 20 October 2006 have been placed in the national stage application filed by the applicants. The fees paid on 20 October 2006 in application 11/578,893 will be refunded to Deposit Account No.: 14-1270 and the file terminated. Since applicants have separate appointed attorneys, no further communications with respect to this application will be mailed to you.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

0 9 OCT 2009

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Larson & Anderson, LLC
re: MSK
P. O. BOX 4928
DILLON CO 80435-4928

In re Application of:	:	
O'CONNOR, Owen, A., et al.	:	DECISION
U.S. Application No.: 11/568,254	:	
PCT No.: PCT/US2005/019170	:	
International Filing Date: 31 May 2005	:	
Priority Date: 30 May 2004	:	
Atty Docket No.: MSK.P-079	:	
For: TREATMENT OF LYMPHOMA USING 10-PROPARGYL-10-DEAZAAMINOPTERIN AND GEMCITABINE	:	

This decision is issued in response to the "Petition To Withdraw Holding Of Abandonment Based On Evidence That A Reply Was Timely Mailed Or Filed" filed 23 July 2009. No petition fee is required.

BACKGROUND

On 31 May 2005, applicants filed international application PCT/US2005/019170. The international application claimed a priority date of 30 May 2004, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the international filing date, i.e., 30 November 2006.

On 24 November 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the small entity basic national fee.

On 20 February 2007, applicants filed an executed declaration and payment of the small entity surcharge for filing the declaration later than thirty months after the priority date.

On 26 November 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Insufficient Fees" (Form PCT/DO/EO/923) indicating that an additional $155 was required to complete the applicable small entity search fee.

On 04 January 2008, applicant filed, via the EFS-Web electronic filing system, two identical documents entitled "Response To Insufficient Fees." This correspondence states that payment of the required fees was being submitted by credit card. Also on 04 January 2008, an

additional copy of the "Response To Insufficient Fees" document was filed by applicants via facsimile.

On 29 June 2009, the DO/EO/US mailed a "Notification Of Abandonment" (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to timely respond to the previous Notification.

On 23 July 2009, applicants filed the "Petition To Withdraw Holding Of Abandonment Based On Evidence That A Reply Was Timely Mailed Or Filed" considered herein. This submission asserts that applicants filed a timely response to the "Notification Of Insufficient Fees" (Form PCT/DO/EO/923) mailed 26 November 2007 and that the abandonment should therefore be withdrawn.

DISCUSSION

The present application file includes copies of the materials filed by applicants on 04 January 2008 in response to the "Notification Of Insufficient Fees" (Form PCT/DO/EO/923) mailed 26 November 2007. The materials filed via EFS-Web indicate that a credit card payment of the outstanding search fee was to be included with the response; however, the Electronic Acknowledgement Receipts generated with respect to each of applicants' two EFS-Web filings on 04 January 2008 expressly state that these materials were not submitted with payment. Applicants' petition asserts that the Fee Worksheet in Private Pair "shows that payment of $155 was received on January 4, 2008." However, the Fee Worksheet is a document generated when applicants identify a particular fee to be paid during the electronic filing process; the Fee Worksheet does **not** confirm that applicants actually submitted payment for such fee at the time. The Electronic Acknowledgement Receipt is the document that confirms what is actually received by the USPTO in an electronic filing. If applicants' submission had included a fee payment, the Electronic Acknowledgement receipt would state that the submission was made with payment and it would set forth the amount of the included payment. Here, as noted above, the Electronic Acknowledgement Receipts generated with respect to applicants' two 04 January 2008 EFS-Web submissions state that such filings were made without payment.

The application file also indicates that applicants filed a copy of the "Response To Insufficient Fees" via facsimile on 04 January 2008; however, there is no record that the referenced credit card payment was included with such facsimile submission. It is noted that the present petition indicates that it is accompanied by a copy of the previously submitted credit card form and the "auto-reply facsimile transmission" from the USPTO with respect to the facsimile submission, but these supporting documents are not present in the application file.

In sum, USPTO records do no indicate that payment of the required fee was included with applicants' 04 January 2008 submissions in response to the Notification Of Insufficient Fees, and applicants' present petition does not include an adequate showing that the fee payment was included with any of the 04 January 2008 submissions. Under these circumstances, applicants' request for withdrawal of the holding of abandonment is appropriately dismissed.

CONCLUSION

The petition to withdraw the holding of abandonment is **DISMISSED** without prejudice.

The present application remains abandoned.

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 an acceptable form of payment of the required search fee was filed by applicants as part of a timely and bona fide response to the "Notification Of Insufficient Fees" (Form PCT/DO/EO/923) mailed 26 November 2007.

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.

Richard M. Ross
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14 APR 2010

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Larson & Anderson, LLC
re: MSK
P. O. BOX 4928
DILLON CO 80435-4928

In re Application of:	:	
O'CONNOR, Owen, A., et al.	:	DECISION ON RENEWED
U.S. Application No.: 11/568,254	:	PETITION
PCT No.: PCT/US2005/019170	:	
International Filing Date: 31 May 2005	:	
Priority Date: 30 May 2004	:	
Atty Docket No.: MSK.P-079	:	
For: TREATMENT OF LYMPHOMA USING 10-PROPARGYL-10-DEAZAAMINOPTERIN AND GEMCITABINE	:	

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.181" filed 29 October 2009. No petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 09 October 2009. That decision dismissed without prejudice applicants' petition to withdraw the holding of abandonment, stating that applicants had not provided an acceptable showing that an acceptable payment of the required search fee was filed by applicants as part of a timely response to the "Notification Of Insufficient Fees" (Form PCT/DO/EO/923) mailed 26 November 2007.

On 29 October 2009, applicants filed the renewed petition considered herein.

DISCUSSION

At issue in the present petition is whether applicants have provided an acceptable showing that the facsimile transmission submitted via facsimile on 04 January 2008 included a valid credit card payment form covering the $155 small entity search fee required by the "Notification Of Insufficient Fees" (Form PCT/DO/EO/923) mailed 26 November 2007.[1] As noted in the previous decision, the USPTO does not have a record of having received a credit card payment form from applicants on 04 January 2008.

[1] As discussed in the previous decision, the record indicates that the materials filed by applicants via EFS-Web on 04 January 2008 did not include the required fee payment.

37 CFR 1.8(b) sets forth the requirements for confirming a facsimile transmission where, as here, the USPTO has no record of receiving such correspondence, stating the following:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
>
> (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

With regard to item (1) above, the present petition was promptly filed less than one month after the mailing of the Notification Of Abandonment that informed applicants that the USPTO had not received the 04 January 2008 fee payment. Item (1) is therefore satisfied.

With regard to item (2) above, the present petition includes a copy of the correspondence transmitted via facsimile on 04 January 2008, the first page of which bears a certificate of transmission signed by Sara South. It is noted that the credit card payment form included with the petition appears to have been redacted, and applicants have indicated that the credit card referenced in such form is no longer valid. The USPTO has still not received actual payment of the outstanding search fee purportedly filed on 04 January 2008.

With regard to item (3) above, the petition includes a copy of the "Auto-Reply Facsimile Transmission" from the USPTO confirming the receipt of a four page facsimile from applicants on 04 January 2008. However, the petition does not include a statement from Sara South, the person who signed the certificate of transmission, confirming the contents of such four-page transmission. Section 512(IV) of the MPEP states the following: "If the person signing the statement did not sign the certificate of mailing, then the person signing the statement should explain how they have firsthand knowledge of the previous timely mailing or transmission." The present petition is signed by Marina T. Larson, Ph.D., who also signed the original correspondence; however, Dr. Larson is not the person who signed the certificate of transmission on the original correspondence and she does not expressly state in the petition how she has firsthand knowledge of the previous mailing or transmission. In addition, the petition does not include a statement expressly confirming that the person who signed the credit card form (Dr. Larson) was authorized to sign for such credit card and that the card was valid and had sufficient available credit to cover the required fee when submitted (that is, a statement confirming that, had the USPTO received and processed the credit card form when submitted, the charge would have been accepted).

Based on the above, the present submission does not satisfy all the requirements of 37 CFR 1.8(b). Accordingly, on the present record it cannot be concluded that a valid credit card payment of the required outstanding fee was originally filed by facsimile on 04 January 2008 as a timely response to the "Notification Of Insufficient Fees" (Form PCT/DO/EO/923) mailed 26 November 2007, as required to withdraw the holding of abandonment herein.

CONCLUSION

For the reasons discussed above, applicants' petition to withdraw the holding of abandonment under 37 CFR 1.181 and 1.8(b) is **DISMISSED** without prejudice.

The application remains **ABANDONED**.

Any request for reconsideration must be filed within **TWO (2) MONTHS** of the mail date of the present decision and must include the materials required to satisfy 37 CFR 1.8(b), as discussed above and in the MPEP, specifically: (1) a statement from Sara South confirming firsthand the contents of the 04 January 2008 facsimile transmission for which she signed the certificate of correction or, in the alternative, a statement from Dr. Larson confirming the contents of the submission and explaining how she has "firsthand knowledge of the previous timely mailing or transmission;" (2) a statement from a person with firsthand knowledge confirming that the person who signed the credit card form (Dr. Larson) was authorized to sign for such credit card and that the card was valid and had sufficient available credit to cover the required fee when submitted; and (3) payment of the outstanding amount required to complete the applicable search fee (currently $165).[2]

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] Note that the fee has increased by $10 since the mailing of the Notification of Insufficient Fees, which listed the outstanding amount as $155.

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11 JUN 2010

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In re Application of:
O'CONNOR, Owen, A., et al.
U.S. Application No.: 11/568,254
PCT No.: PCT/US2005/019170
International Filing Date: 31 May 2005
Priority Date: 30 May 2004
Atty Docket No.: MSK.P-079
For: TREATMENT OF LYMPHOMA USING 10-PROPARGYL-10-DEAZAAMINOPTERIN AND GEMCITABINE

DECISION ON SECOND RENEWED PETITION

This decision is issued in response to the "Request For Reconsideration" filed 28 April 2010, treated herein as a second renewed petition to withdraw the holding of abandonment under 37 CFR 1.181 and 1.8(b). No petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 09 October 2009 and 14 April 2010. The decisions dismissed without prejudice applicants' petitions to withdraw the holding of abandonment, stating that applicants had not provided an acceptable showing that an acceptable payment of the required search fee was filed by applicants as part of a timely response to the "Notification Of Insufficient Fees" (Form PCT/DO/EO/923) mailed 26 November 2007.

On 28 April 2010, applicants filed the "Request For Reconsideration" considered herein as a second renewed petition.

DISCUSSION

The decision mailed 14 April 2010 indicated that the following outstanding materials were required to complete the requirements for a grantable petition: (1) a statement from Sara South confirming firsthand the contents of the 04 January 2008 facsimile transmission for which she signed the certificate of correction; (2) a statement from a person with firsthand knowledge confirming that the person who signed the credit card form (Dr. Marina T. Larson) was authorized to sign for such credit card and that the card was valid and had sufficient available credit to cover the required fee when submitted; and (3) payment of the outstanding amount required to complete the applicable search fee.

The present submission includes a statement from Sara South providing firsthand confirmation of the contents of the 04 January 2008 facsimile transmission. Item (1) is therefore satisfied.

The present submission also includes a statement from Marina Larson confirming that she was authorized to sign for the credit card listed on the credit card authorization form submitted on 04 January 2008, and that the card was valid and had sufficient available credit to cover the required fee when submitted. Item (2) is therefore satisfied.

Finally, the present submission was accompanied by payment of the amount required to complete the applicable search fee. Item (3) is therefore satisfied.

Applicants have now provided all the requirements of a grantable petition under 37 CFR 1.181 and 1.8(b) to confirm that, on 04 January 2008, applicants submitted via facsimile a timely and proper response to "Notification Of Insufficient Fees" (Form PCT/DO/EO/923) mailed 26 November 2007. Accordingly, the holding of abandonment, based as it was on applicants' purported failure to file such a response, is properly withdrawn, as requested by applicants in the present petition.

CONCLUSION

The second renewed petition to withdraw the holding of abandonment under 37 CFR 1.181 and 1.8(b) is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 29 June 2009 2008 is hereby **VACATED**.

This application is being returned 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 20 February 2007.

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Attorney Advisor
Office of PCT Legal Administration
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2 3 APR 2009

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SCHWEGMAN, LUNDBERG &
WOESSNER/WMS GAMING
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of :
LOOSE :
U.S. Application No. 11/568,291 :
PCT No.: PCT/US2005/014087 :
Int. Filing Date: 25 April 2005 : DECISION ON PETITION
Priority Date: 26 April 2004 : (37 CFR 1.182)
Attorney Docket No.: 1842.044US1 :
For: METHOD AND SYSTEM FOR USING :
MULTI-CHANNEL COMMUNICATIONS :
TO ENHANCE GAMING SECURITY :

This decision is issued in response to applicant's "REQUEST FOR CORRECTED PATENT APPLICATION PUBLICATION UNDER 37 C.F.R. 1.221(b)" filed 30 November 2007 in the United States Patent and Trademark Office (USPTO). Applicant seeks to correct the international application number on the national stage application papers filed 25 October 2006 so as to allow such materials to be treated as the U.S. national stage of PCT/US2005/014087. Applicant is advised that the paper is being treated as a petition under 37 CFR 1.182. As authorized, the petition fee of $400.00 will be charged to Deposit Account No. 19-0743.

BACKGROUND

On 25 April 2005, applicant filed international application PCT/US2005/014087 which claimed a priority date of 26 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, 26 October 2006.

On 25 October 2006, applicant filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee. The submission was assigned U.S. application number 11/568,291.

The materials filed 25 October 2006 included an executed declaration of the inventor and a preliminary amendment that identified the application as a U.S. national stage of PCT/US2005/014087, filed 25 April 2005. The bibliographic data entered by applicant as part of the electronic filing, as well as, the first page of the transmittal cover letter identified the application as a U.S. national stage of PCT/US2005/014807. Thus, applicant's 25 October 2006 filing included conflicting instruction that identified the

submission as a U.S. national stage of two different international applications: PCT/US2005/014807 and PCT/US2005/014087.

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/US2005/014807, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

On 06 July 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) and Official Filing Receipt. The notices identified the international application number as PCT/US2005/014807.

On 06 August 2007, applicant filed a request for corrected filing receipt.

On 27 September 2007, applicant was mailed a "Notice of Publication."

On 11 October 2007, applicant was mailed an Official Filing Receipt which identified the international application as PCT/US2005/014087.

On 30 November 2007, applicant filed the present request which is being treated as a petition under 37 CFR 1.182 to correct the bibliographic data error.

DISCUSSION

As noted above, the bibliographical data provided by applicant incorrectly identified the international application to which the submission was directed. Correction of this error is required before the materials filed 25 October 2006 can be treated as having been directed to international application PCT/US2005/014087, as necessary to avoid abandonment of the international application with respect to the United States.

In the present petition filed 30 November 2007, applicant confirms that the listing of international application PCT/US2005/014807 set forth in the bibliographical data provided by applicant was the result of a typographical error, and that the correct international application is PCT/US2005/014087 It is noted that the correct international application number was listed on the declaration and preliminary amendment filed 25 October 2006. The present petition is accompanied by payment of the required petition fee and properly identifies the application as the national stage of PCT/US2005/014087. These materials satisfy the requirements for a grantable petition to correct the typographical error in the bibliographical data filed 25 October 2006 and to permit such materials to be treated as having been directed to international application PCT/US2005/014087.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

The materials filed 25 October 2006 have been assigned U.S. application number 11/568,291 and will be treated as the national stage of PCT/US2005/014087.

The Form PCT/DO/EO/903 and Official Filing Receipt mailed 06 July 2007 are hereby VACATED.

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 the preparation and mailing of a new Form PCT/DO/EO/903.

Applicant is further advised that the application will be republished as the U.S. National stage under 35 U.S.C. 371 of international application PCT/US2005/014087.

/Derek A. Putonen/

Derek A. Putonen
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MAILED

JUL 06 2009

OFFICE OF PETITIONS

Applicant: Loose
Appl. No.: 11/568,291
International Filing Date: April 25, 2005
Title: METHOD AND SYSTEM FOR USING MULTI-CHANNEL COMMUNICATIONS TO ENHANCE GAMING SECURITY
Attorney Docket No.: 1842.044US1
Pub. No.: 2007/0225075 A1
Pub. Date: September 27, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on November 30, 2007 for the above-identified application.

The request is GRANTED.

Applicant requests corrected publication because the publication contains an incorrect specification and drawings, due to Office error of misidentifying the correct PCT priority application number. This was noted, in an April 23, 2009 Office communication, to be due to conflicting data provided by the applicant when filing the electronic application. However, the Office is treating the applicant-provided data as a typographical error, and has corrected such error in the April 23, 2009 Office communication. The publication will therefore be corrected, *sua sponte*, as indicated in the April 23, 2009 communication.

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

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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26 DEC 2007

21999
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60 East South Temple
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In re Application of :
DOUGLAS *et al* :
U.S. Application No.: 11/568,305 :
PCT No.: PCT/GB2005/001411 :
Int. Filing Date: 12 April 2005 : **DECISION**
Priority Date: 16 April 2004 :
Attorney Docket No.: 7881.10 :
For: CRUSHER APPARATUS :

This decision is in response to the petition to revive an unintentionally abandoned application under 37 CFR 1.137(b) filed with on 25 October 2006 and the "Petition Under 37 CFR §1.47(a)" submitted on 23 October 2007.

BACKGROUND

On 25 October 2006, applicants filed papers to enter the national stage of PCT/GB2005/001411 which was accompanied by, *inter alia*, the Basic National fee and a petition to revive under 37 CFR 1.137(b) with petition fee.

On 19 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 that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $65.00 surcharge fee was required. Petitioners were given two-months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 23 October 2007, applicant submitted a petition under 37 CFR 1.47(b) which was accompanied by, *inter alia*, a $200.00 petition fee; a $65.00 surcharge fee; a three-month extension of time; and exhibits A - F.

DISCUSSION

The thirty-month time limit to enter the national stage expired on 16 October 2006. Applicants filed papers to enter the national stage on 25 October 2006 along with a petition to revive under 37 CFR 1.137(b).

Petition to Revive Under 37 CFR 1.137(b)

A petition to revive pursuant to 37 CFR 1.137(b) requires: (1) a proper reply, (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 to 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).

Paying the appropriate Basic National fee and petition fee for a small entity is an appropriate response for failing to enter the national stage by thirty months. Applicants' statement in the petition meets the requirement of 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Thus, all requirements of 37 CFR 1.137(b) are completed.

Applicants' petition to revive under 37 CFR 1.137(b) is **GRANTED**.

Petition Under 37 CFR 1.47(a)

Applicants claim that co-inventor, Paul Douglas refuses to cooperate. A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuse to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventor. Items (1), (3) and (4) are complete.

Concerning item (1), the $200.00 petition fee has been paid.

With regards to item (3), the last known address of co-inventor Paul Douglas is listed as:

17 Woodville Road
Harshorne, Derbyshire
DE11 7ET, United Kingdom

Concerning item (4), the 37 CFR 1.47(a) applicant submitted a declaration signed by one of the two named co-inventors on behalf of themselves and the nonsigning joint inventor. This declaration meets the requirements of section 409.03(a) and is in compliance with 37 CFR 1.497(a) and (b).

Regarding item (2), the 37 CFR 1.47(b) applicant claims that the sole inventor, Paul Douglas, refuses to cooperate. Petitioner's burden in showing that an inventor refuses to cooperate is explained in section 409.03(d) of the MPEP. Several pertinent segments are listed below:

> 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 . . .

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 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. (Emphasis added)**

The "Witness Statement" by Mr. Martin Mark Neilson, indicates that a complete copy of the application was forwarded to Mr. Douglas on 04 September 2007. Petitioner states that the documents were delivered on 07 September 2007. A review of the evidence verifies that a complete copy of the international application was received by Mr. Douglas on 07 September 2007. Mr. Neilson also states that the attorney for Mr. Douglas (Walker Morris) has contacted them concerning the subject application and requests certain monies for Mr. Douglas's cooperation. However, petitioner has not provided copies of the correspondence with Walker Morris concerning the subject application. This evidence is required to make a determination whether a refusal to cooperate has occurred. *See above in bold.*

For this reason, item (2) of 37 CFR 1.47(a) is not yet satisfied.

CONCLUSION

Applicants' 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. No additional petition fee is required. Extensions of time are available.

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.

James Thomson
Attorney Advisor
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Tel.: (571) 272-3302

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18 MAR 2008

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KIRTON AND MCCONKIE
60 East South Temple
Suite 1800
Salt Lake City, UT 84111

In re Application of
DOUGLAS *et al*
U.S. Application No.: 11/568,305
PCT No.: PCT/GB2005/001411
Int. Filing Date: 12 April 2005
Priority Date: 16 April 2004
Attorney Docket No.: 7881.10
For: CRUSHER APPARATUS

DECISION

This decision is in response to the "Renewed Petition Under 37 CFR §1.47(a)" submitted on 07 February 2008.

BACKGROUND

On 26 December 2007, a decision dismissing applicants' 37 CFR 1.47(a) petition was mailed. Applicants were given two months to respond.

On 07 February 2008, applicants filed a renewed petition under 37 CFR 1.47(a) which contained, *inter alia*, a second statement by Martin Mark Neilson (Exhibit A) with accompanying attachments (a) - (bb).

DISCUSSION

As noted in the original decision, applicants' petition under 37 CFR 1.47(a) was dismissed for failing to provide copies of the correspondence with the nonsigning inventor's counsel, Walker Morris, concerning the subject application.

In the renewed petition, applicants have provided the requested documents and also submitted another Witness Statement by Mr. Neilson explaining his position in this matter. A review of the evidence and Witness Statement shows that the letter from Walker Morris dated 26 September 2007 states that Mr. Douglas would be willing to sign the applicable documents if the assignee pays the nonsigning inventor the sum of £4,096.58. The assignee states that Mr. Douglas is being unreasonable and uncooperative with this demand and refuses to pay.

37 CFR 1.47 does not require petitioners to pay inventors to sign required Declaration. That is a private matter between the parties. The evidence submitted provides a sufficient basis to conclude that Mr. Douglas's conduct constitutes a refusal

to join. *See* § 409.03(d) MPEP. Petitioners previously submitted evidence showing that a complete copy of the subject application was presented to the nonsigning inventor on 07 September 2007. Item (2) of 37 CFR 1.47(a) is now satisfied.

All the requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 12 April 2005 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 19 October 2007.[1]

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 and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

[1] The prior decision erroneously indicted that the initial petition was filed 23 October 2007. The correct date is 19 October 2007.

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CARLSON GASKEY & OLDS
400 W MAPLE STE 350
BIRMINGHAM, MI 48009

Mail Date: 04/21/2010

Applicant	: Frank Sansevero	: DECISION ON REQUEST FOR
Patent Number	: 7650966	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/568,328	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/26/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **521** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days,** whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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JUL 16 2009

OFFICE OF PETITIONS

In re Application of :
Felix F. JAKOBI, et al. :
Application No. 11/568,352 : DECISION ON PETITION TO
Filed: October 26, 2006 : WITHDRAW FROM RECORD
Attorney Docket No. **137/079** :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 13, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the request is not signed by an attorney of record.

All future communications.from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **AVERILL & VARN**
8244 PAINTER AVE.
WHITTIER, CA 90602

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1000 TOWN CENTER
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SOUTHFIELD, MI 48075

Mail Date: 04/21/2010

Applicant	: Boris Pervan	: DECISION ON REQUEST FOR
Patent Number	: 7604430	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/568,355	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/14/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **67** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

29 JUN 2010

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22850
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Alexandria, VA 22314

In re Application of :
KAWAKUBO *et al* :
Application No.: 11/568,365 :
PCT No.: PCT/JP2006/319612 :
Int. Filing Date: 25 September 2006 : **DECISION**
Priority Date: 26 September 2005 :
Attorney Docket No.: 298316US2RDPCT :
For: RECEIVER AND WIRELESS :
COMMUNICATION APPARATUS :

This decision is in response to the "Request to Correct Filing Date" filed on 12 March 2010 which is treated as a petition under 37 CFR 1.181 and **GRANTED** as follows:

On 11 July 2008, the United States Designated/Elected Office mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt indicating a "Filing or 371(c) Date" of "10/26/2006."

Applicants request that the "correct filing date of the application" be amended to 03 January 2007, the date of filing an executed declaration.

A review of the subject application shows that applicants submitted a declaration in compliance with 37 CFR 1.497(a) and (b) on 03 January 2007. Thus, the "Filing or 371(c) Date" listed on the filing receipt should be 03 January 2007.

Accordingly, the Form PCT/DO/EO/903 and the filing receipt mailed 11 July 2008 are hereby **VACATED**.

A corrected PCT/DO/EO/903 and the filing receipt were mailed on 12 March 2010. No further action is required.

This application is being forwarded to Art Unit 2618 for examination.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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FOLEY & LARDNER LLP
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SAN DIEGO CA 92138-0278

MAILED

JUL 06 2010

OFFICE OF PETITIONS

In re Application
Chandler
Application No. 11/568,382
Filed: September 11, 2007
Dkt. No.: 054769-9981

: PATENT TERM ADJUSTMENT

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705," filed March 1, 2010. This matter is being properly treated pursuant to 37 CFR 1.705(b) as an application for patent term adjustment.

Applicant submits that the correct patent term adjustment to be indicated on the patent is 117 days, not zero days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent.

Insofar as the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is DISMISSED as PREMATURE.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See, § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time

of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

Receipt is acknowledged of the required patent term adjustment application fee under 37 CFR 1.705(b) of $200.00. See, 37 CFR 1.18(e). As the fee is required for reconsideration of the patent term adjustment, the fee is not subject to refund.

However, any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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GREENBERG TRAURIG, LLP
1200 SEVENTEENTH STREET, SUITE 2400
DENVER CO 80202

In re Application of
STANSBURY et al.
Application No.: 11/568,383
PCT No.: PCT/US04/43828
Int. Filing Date: 29 December 2004
Priority Date: 28 April 2004
Attorney Docket No.: 76775-011402
For: DIMER ACID-DERIVED DIMETHACRYLATES AND USES IN DENTAL RESTORATIVE COMPOSITIONS

DECISION

ON PETITION UNDER

37 CFR 1.182

This is a decision on applicants' response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office, filed in the United States Patent and Trademark Office (USPTO) on 14 August 2007.

BACKGROUND

On 26 October 2006, applicant submitted a Transmittal Letter concerning a submission under 35 U.S.C. 371 directed to international application PCT/US04/43828.

On 14 June 2007, 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) was required. Specifically, applicant's attention was drawn to the third inventor's name which was identified in the international application as Marianela Trujillo but appeared on the declaration as Marianela Trujillo-Lemon. Applicant was also advised that the declaration appeared to be a compilation of a number of declaration documents.

On 14 August 2007, applicant filed the instant response. Applicant requests that the declaration be accepted reflecting joint inventor Marianela Trujillo's name change to Marianela Trujillo-Lemon.

DISCUSSION

Applicant states that the third inventor's name is listed as Marianela Trujillo on the international application and as Marianela Trujillo-Lemon on the declaration. Applicant remarks that both names are correct and that Marianela Trujillo-Lemon's name appears on the declaration because she married after filing the international application. Applicant requests that the declaration executed by Marianela Trujillo-Lemon be accepted.

A review of the application file reveals that the given name of the applicant as listed on the published international application is "Marianela Trujillo". The declaration, filed on 14 August 2007, identifies and is signed by "Marianela Trujillo-Lemon". The executed declaration is not in compliance with 37 CFR 1.497(a) and (b) as the declaration does not name the same inventive entity identified in the published international application. Thus, the declaration does not satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

It does not appear that applicant filed a request under PCT Rule 92*bis* to change the name

of the inventor as no Notification of the Recording of a Change (Form PCT/IB/306) has been submitted which indicates that the name change was accepted. Should applicant wish to change the inventor's name to Marianela Trujillo-Lemon, a petition under 37 CFR 1.182 is required. The petition must be accompanied by a statement of Marianela Trujillo setting forth both names and the procedure whereby the change of name was effected or a copy of the court order. *See* MPEP §605.04(c).

It is also noted that the declaration signed by inventor Christopher N. Bowman has been altered. The USPTO does not accept a declaration that has been altered.

Section 602.01 of the MPEP states the following:

> The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly subscribed to, a new oath or declaration must be required....

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether non-initialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration.

The changes made in the declaration executed by inventor Bowman were not dated and initialed or signed. Therefore, a new oath or declaration executed by inventor Bowman, in compliance with 37 CFR 1.497(a) and (b), is also required to satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

CONCLUSION

The declaration is unacceptable pursuant to 37 CFR 1.497(a) and (b) because it does not identify the inventor listed in the published international application. Applicant must either submit a declaration executed by Marianela Trujillo or a petition under 37 CFR 1.182 requesting correction of her name due to marriage accompanied by a statement of Marianela Trujillo setting forth both names and the procedure whereby the change of name was effected or a copy of the court order.

A new oath or declaration executed by inventor Bowman, in compliance with 37 CFR 1.497(a) and (b), is also required.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or the time remaining to respond to the Notification of Missing Requirements.

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

Cynthia M. Kratz
Attorney Advisor
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22 AUG 2008

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of	:
STANSBURY et al.	:
Application No.: 11/568,383	: DECISION
PCT No.: PCT/US04/43828	:
Int. Filing Date: 29 December 2004	: ON SUBMISSION
Priority Date: 28 April 2004	:
Attorney Docket No.: 76775-011402	:
For: DIMER ACID-DERIVED	:
DIMETHACRYLATES AND USES IN DENTAL	:
RESTORATIVE COMPOSITIONS	:

This is a decision on applicant's response to the 14 July 2008 decision, filed on 14 August 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 14 June 2007, 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) was required. Specifically, applicant's attention was drawn to the third inventor's name which was identified in the international application as Marianela Trujillo but appeared on the declaration as Marianela Trujillo-Lemon. Applicant was also advised that the declaration appeared to be a compilation of a number of declaration documents.

On 14 August 2007, applicant filed a response requesting that the declaration be accepted reflecting joint inventor Marianela Trujillo's name change to Marianela Trujillo-Lemon.

On 14 August 2008, a decision dismissing the request was mailed to applicant, indicating that a petition under 37 CFR 1.182 was necessary for such name change and a new declaration was required due to the alteration of the declaration executed by inventor Bowman.

On 14 August 2008, applicant filed two newly executed declarations.

DISCUSSION

The executed declarations are in compliance with 37 CFR 1.497(a) and (b) as the declaration names the same inventive entity identified in the published international application and state the citizenship, residency and mailing addresses of the named inventors. The declaration satisfies the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

CONCLUSION

The declarations filed on 14 August 2008 are acceptable and meet the requirements of 37 CFR 1.497(a) and (b).

The application is forwarded 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 14 August 2008.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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09 NOV 2007

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In re Application of	:	DECISION ON
Mark BASILE et al	:	
Application No.: 11/568,391	:	
PCT No.: PCT/US2005/011988	:	
Int. Filing Date: 4 April 2005	:	PETITION UNDER
Priority Date: 6 April 2004	:	
Attorney's Docket No.: BASILE ET AL 2	:	
For: METHOD OF, AND ...	:	
A HOME OR DWELLING	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 26 October 2006.

BACKGROUND

On 4 April 2005, this international application was filed, claiming an earliest priority date of 6 April 2004.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 6 October 2006. This international application became abandoned with respect to the United States at midnight on 6 October 2006 for failure to pay the required basic national fee.

On 26 October 2006, applicants filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, and the petition fee. However, no executed declaration was filed at such time.

On 11 April 2007, applicants filed an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 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. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) 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 **11 April 2007.**

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24 JAN 2007

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In re Application of STANOVSKOY et al	:	
U.S. Application No.: 11/568,398	:	
PCT Application No.: PCT/RU2005/000220	:	
Int. Filing Date: 25 April 2005	:	DECISION
Priority Date Claimed: 27 April 2004	:	
Attorney Docket No.: PUS-T006-247-N	:	
For: BALL GEAR FOR TRANSMITTING ROTATION	:	

This is in response to applicant's "Petition for Acceptance of: Patent Application on Behalf of Non-Signing Inventors Under 37 CFR §1.47(a)&(b) and Petitioner's Right to Prosecute" filed 17 January 2007.

BACKGROUND

On 25 April 2005, applicant filed international application PCT/RU2005/000220, which claimed priority of an earlier Russia application filed 27 April 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 03 November 2005. The thirty-month period for paying the basic national fee in the United States expired on 27 October 2006.

On 27 October 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 17 January 2007, applicant filed the present petition under 37 CFR 1.47(a) along with a declaration executed by one of the three joint inventors.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be

reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, the declaration fails to list inventors Viktor Stanovskoy and Sergei Kazakiavichius. It is noted that the declaration under PCT Rule 4.17(iv) is not sufficient because it was not filed with the international application and thus does not adequately identify the specification to which it is directed.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> 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 nonsigning inventor for signature. 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.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> 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 affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, 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 affidavit or declaration.

The petition states that inventors Viktor Stanovskoy and Sergei Kazakiavichius refuse to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Stanovskoy and Kazakiavichius for signature (see affidavit of Nathalie Kilina, ¶1). However, the petition does not sufficiently illustrate that the inventors refuse to sign. In particular, although Kilina's affidavit states that Stanovskoy and Kazakiavichius orally refused to sign, the time and place of refusal are not mentioned as required. Furthermore, Kilina's affidavit does not specifically establish that Kilina was the person to whom the oral refusal was made. Additionally, the purported non-response to the November 28 letter must be supported with documentary evidence that such letter was actually received by the nonsigning inventors. A copy of the November 28 letter, with an appropriate English translation if necessary, has not been furnished.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known addresses of the nonsigning inventors.

CONCLUSION

For the reasons above, 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. Extensions of time are available under 37 CFR 1.136(a). Failure to timely file a proper response will result in abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". 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.

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29 MAR 2007

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In re Application of STANOVSKOY et al	:	
U.S. Application No.: 11/568,398	:	
PCT Application No.: PCT/RU2005/000220	:	
Int. Filing Date: 25 April 2005	:	DECISION
Priority Date Claimed: 27 April 2004	:	
Attorney Docket No.: PUS-T006-247-N	:	
For: BALL GEAR FOR TRANSMITTING ROTATION	:	

This is in response to applicant's "Renewed Petition Under 37 CFR §1.47(A)&(B)" filed 20 March 2007.

BACKGROUND

On 25 April 2005, applicant filed international application PCT/RU2005/000220, which claimed priority of an earlier Russia application filed 27 April 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 03 November 2005. The thirty-month period for paying the basic national fee in the United States expired on 27 October 2006.

On 27 October 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 17 January 2007, applicant filed a petition under 37 CFR 1.47(a) along with a declaration executed by one of the three joint inventors.

On 24 January 2007, this Office mailed a decision dismissing the 17 January 2007 petition.

On 20 March 2007, applicant filed the present petition under 37 CFR 1.47(b).

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 address of the 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 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. See 37 CFR 1.47(b).

With regard to item (1) above, the requisite fee has been provided.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> 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 nonsigning inventor for signature. 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.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> 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 affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, 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 affidavit or declaration.

The petition states that joint inventors Viktor Stanovskoy, Sergei Kazakiavichius, and Tatiana Remneva refuse to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to the inventors for signature (see 12 March 2007 affidavit of Nathalie Kilina, ¶¶3-4). Furthermore, the petition sufficiently illustrates that the inventors refuse to sign. In particular, the inventors have not supplied an executed declaration in response to the letters mailed to them. The refusal to cooperate is additionally evidenced by the electronic mail message written by Remneva on behalf of all the inventors. Such message indicates that the inventors will not sign the documents unless certain demands are met. Thus, it can be concluded with reasonable certainty that the inventors refuse to join in the application.

With regard to item (3) above, the petition states the last known addresses of the nonsigning inventors.

With regard to item (4) above, an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventors has not been provided. Petitioner is advised that when an assignee files an application under 37 CFR 1.47(b), ownership of the application must be established. MPEP 324. Under 37 CFR 3.73(b)(1), ownership of the application may be established by: (i) submitting documentary evidence of a chain of title from the original owner to the assignee; or (ii) specifying by reel and frame number where such evidence is recorded in the USPTO.

With regard to item (5) above, the 37 CFR 1.47(b) applicant must prove that, as of the date the application was deposited in the Patent and Trademark Office, (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 filing of the application. MPEP 409.03(f).

The petition states that the inventors agreed in writing to assign the invention to Tomsk Transmission Systems ("Tomsk") when they signed an employment agreement. The translation of such employment agreement states that Tomsk is entitled to patents for inventions made by employees in the course of their duties and during the fulfillment of specific tasks for the employer. However, petitioner has not adequately established that the present invention was made by Stanovskoy, Kazakiavichius, and Remneva in the course of their duties and during the fulfillment of specific tasks for Tomsk. Specifically, the petition does not include an affidavit from the person with firsthand knowledge of the invention being made, i.e. the person who actually observed the making of the present invention by the inventors. A mere statement that Stanovskoy, Kazakiavichius, and Remneva were employed by Tomsk at the time the invention was made is insufficient. In addition, translations of the signature pages of the employment agreement have not been provided. It cannot be concluded that the inventors signed the employment agreement until such translations are furnished. Thus, it cannot be reasonably concluded at the present time that Tomsk has sufficient proprietary interest in the present invention.

With regard to item (6) above, the petition makes an adequate showing with regard to preservation of rights of the parties.

CONCLUSION

For the reasons above, 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. Extensions of time are available under 37 CFR 1.136(a). Failure to timely file a proper response will result in abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)". 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.

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23 MAY 2007

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In re Application of STANOVSKOY et al :
U.S. Application No.: 11/568,398 :
PCT Application No.: PCT/RU2005/000220 :
Int. Filing Date: 25 April 2005 : DECISION
Priority Date Claimed: 27 April 2004 :
Attorney Docket No.: PUS-T006-247-N :
For: BALL GEAR FOR TRANSMITTING ROTATION :

This is in response to applicant's "Second Renewed Petition Under 37 CFR §1.47(A)&(B)" filed 21 May 2007.

BACKGROUND

On 25 April 2005, applicant filed international application PCT/RU2005/000220, which claimed priority of an earlier Russia application filed 27 April 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 03 November 2005. The thirty-month period for paying the basic national fee in the United States expired on 27 October 2006.

On 27 October 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 17 January 2007, applicant filed a petition under 37 CFR 1.47(a) along with a declaration executed by one of the three joint inventors.

On 24 January 2007, this Office mailed a decision dismissing the 17 January 2007 petition.

On 20 March 2007, applicant filed a petition under 37 CFR 1.47(b).

On 29 March 2007, this Office mailed a decision dismissing the 20 March 2007 petition.

On 21 May 2007, applicant filed the present renewed petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the 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 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. See 37 CFR 1.47(b).

Petitioner has previously satisfied items (1), (2), (3), and (6) above.

With regard to item (4) above, an oath or declaration executed by the 37 CFR 1.47(b) applicant (i.e. Tomsk Transmission Systems) on behalf of and as agent for the nonsigning inventors has not been provided.

With regard to item (5) above, the 37 CFR 1.47(b) applicant must prove that, as of the date the application was deposited in the Patent and Trademark Office, (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 filing of the application. MPEP 409.03(f).

The petition states that the inventors agreed in writing to assign the invention to Tomsk Transmission Systems ("Tomsk") when they signed an employment agreement. The translation of such employment agreement states that Tomsk is entitled to patents for inventions made by employees in the course of their duties and during the fulfillment of specific tasks for the employer. Petitioner has sufficiently demonstrated that the present invention was made by Stanovskoy, Kazakiavichius, and Remneva in the course of their duties and during the fulfillment of specific tasks for Tomsk. Specifically, the petition includes an affidavit from Savenko Elena Valerjevna, the person with firsthand knowledge of the invention being made by the named inventors. Thus, it can be concluded with reasonable certainty that Tomsk has sufficient proprietary interest in the present invention.

CONCLUSION

For the reasons above, the renewed 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. Extensions of time are

available under 37 CFR 1.136(a). Failure to timely file a proper response will result in abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)". 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.

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28 JUN 2007

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In re Application of STANOVSKOY et al	:	
U.S. Application No.: 11/568,398	:	
PCT Application No.: PCT/RU2005/000220	:	
Int. Filing Date: 25 April 2005	:	DECISION
Priority Date Claimed: 27 April 2004	:	
Attorney Docket No.: PUS-T006-247-N	:	
For: BALL GEAR FOR TRANSMITTING ROTATION	:	

This is in response to applicant's "Third Renewed Petition Under 37 CFR §1.47(A)&(B)" filed 25 June 2007.

BACKGROUND

On 25 April 2005, applicant filed international application PCT/RU2005/000220, which claimed priority of an earlier Russia application filed 27 April 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 03 November 2005. The thirty-month period for paying the basic national fee in the United States expired on 27 October 2006.

On 27 October 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 17 January 2007, applicant filed a petition under 37 CFR 1.47(a) along with a declaration executed by one of the three joint inventors.

On 24 January 2007, this Office mailed a decision dismissing the 17 January 2007 petition.

On 20 March 2007, applicant filed a petition under 37 CFR 1.47(b).

On 29 March 2007, this Office mailed a decision dismissing the 20 March 2007 petition.

On 21 May 2007, applicant filed a renewed petition under 37 CFR 1.47(b).

On 23 May 2007, this Office mailed a decision dismissing the 21 May 2007 petition.

On 25 June 2007, applicant filed the present renewed petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the 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 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. See 37 CFR 1.47(b).

Petitioner has previously satisfied items (1), (2), (3), (5) and (6) above.

With regard to item (4) above, an oath or declaration executed by the 37 CFR 1.47(b) applicant (i.e. Tomsk Transmission Systems) on behalf of and as agent for the nonsigning inventors has been provided.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 25 April 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 25 June 2007.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventors at the last known addresses of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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Mail Date: 04/21/2010

Applicant	: Masanori Itoh	: DECISION ON REQUEST FOR
Patent Number	: 7657565	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/568,401	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/27/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **550** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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07 AUG 2008

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In re Application of	:	
BINK et al.	:	
Serial No.: 11/568,403	:	DECISION ON
PCT No.: PCT/IB05/51364	:	
Int. Filing Date: 26 April 2005	:	DECLARATION
Priority Date: 29 April 2004	:	
Attorney's Docket No.: NL 040517	:	
For: IMAGE PROCESSING APPARATUS AND METHOD	:	

This is a decision on applicant's submission under 35 U.S.C. 371, filed on 08 May 2008 in the United States Patent and Trademark Office (USPTO).

On 20 June 2007, 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. Specifically, the Notification indicated that the declaration listed an incorrect name for the second inventor.

On 12 December 2007, in response to the Notification of Missing Requirements, applicant submitted a declaration, executed by the inventors. On 18 April 2008, Applicant was advised that signature pages of the declaration were illegible. On 08 May 2008, applicant submitted three complete executed declarations. A review of these declarations reveals that they are acceptable and meet the requirements of 37 CFR 1.497 (a) and (b). On 30 July 2008, a Notification of Defective Response was erroneously mailed to applicant and is hereby **VACATED**.

The application will be forwarded 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 **08 May 2008.**

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Mail Date: 04/20/2010

Applicant	: Walter Ferdinand Maria Filliers	: DECISION ON REQUEST FOR
Patent Number	: 7572916	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/568,420	: OF WYETH
Filed	: 06/18/2007	:
		:

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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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

Mail Date: 05/17/2010

Applicant	: Walter Ferdinand Maria Filliers	: NOTICE CONCERNING IMPROPER
Patent Number	: 7572916	: DISMISSAL OF THE REQUEST
Issue Date	: 08/11/2009	: FOR RECALCULATION OF
Application No	: 11/568,420	: PATENT TERM ADJUSTMENT
Filed	: 06/18/2007	: IN VIEW OF WYETH

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO mistakenly dismissed a small number of requests as ineligible. The dismissals involve requests that were filed on February 9-12, 2010, for patents that were granted on August 11, 2009. Any request that was filed on February 8, 2010 was properly deemed eligible for patent term adjustment (PTA) and was recalculated.

Patents meeting the above criteria were eligible because the USPTO was closed February 8-11, 2010, due to a snowstorm. See Closing of the United States Patent and Trademark Office from Monday February, 8, 2010, through Thursday, February 11, 2010, 1352 *Off. Gaz. Pat. Office* 146 (March 16, 2010). The Office considered each day from Monday, February 8, 2010, through Thursday, February 11, 2010, to be a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21(b) and 37 CFR 1.6, 1.7, 1.9, 2.2(d), 2.195 and 2.196. Any actions that were due from Monday, February, 8, 2010, through Thursday, February 11, 2010, (or the preceding Saturday (February 6, 2010) or Sunday (February 7, 2010)) will be considered timely if the action was taken on the next succeeding business day on which the USPTO was open, which was February 12, 2010.

This notice **VACATES** the previous mailed decision in the patented file that deemed patentee ineligible for the request for recalculation. Patentee's request for recalculation is GRANTED.

The patent term adjustment has been determined to be **121** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate 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 1.18(e), the 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 deterimation 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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PEPPER HAMILTON LLP
400 BERWYN PARK
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BERWYN, PA 19312-1183

In re Application of ANDERSON et al	:	
U.S. Application No.: 11/568,428	:	
PCT Application No.: PCT/GB2005/001621	:	
Int. Filing Date: 28 April 2005	:	DECISION
Priority Date Claimed: 28 April 2004	:	
Attorney Docket No.: BTG0014-100 (500028US01)	:	
For: EPITOPES RELATED TO COELIAC DISEASE	:	

This is in response to applicant's "Petition to Withdraw Holding of Abandonment" filed 24 October 2007, which is being

BACKGROUND

On 28 April 2005, applicant filed international application PCT/GB2005/001621, which claimed priority of an earlier Australia application filed 28 April 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 10 November 2005. The thirty-month period for paying the basic national fee in the United States expired on 28 October 2006.

On 27 October 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US).

On 24 October 2007, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the application file reveals that the papers filed on 27 October 2006 contained an authorization to charge the basic national fee required by 35 U.S.C. 371(c)(1) to a deposit account. Accordingly, any holding of abandonment for failure to timely pay the basic national fee would be improper.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 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

06 FEB 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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Patterson & Sheridan, L.L.P.
3040 Post Oak Boulevard
Suite 1500
Houston, TX 77056

In re Application of :
DEGENHARDT et al. :
Application No.: 11/568,442 : DECISION ON PETITION
PCT No.: PCT/EP05/06247 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 10 June 2005 :
Priority Date: 11 June 2004 :
Attorney Docket No.: ZIMR/0054 :
For: CHARGED PARTICLE BEAM :
EMITTING DEVICE AND METHOD
FOR OPERATING A CHARGED
PARTICLE BEAM EMITTING DEVICE

The petition to revive under 37 CFR 1.137(b) filed 20 July 2007 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 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

UNITED STATES PATENT AND TRADEMARK OFFICE

2 2 AUG 2008

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Suite 1500
Houston, TX 77056

In re Application of :
DEGENHARDT et al. :
U.S. Application No. 11/568,442 :
PCT No.: PCT/EP05/06247 :
Int. Filing Date: 10 June 2005 :
Priority Date: 11 June 2004 : DECISION ON PETITION
Attorney Docket No.: ZIMR/0054 :
For: CHARGED PARTICLE BEAM :
EMITTING DEVICE AND METHOD
FOR OPERATING A CHARGED
PARTICLE BEAM EMITTING DEVICE

This decision is issued in response to applicants' "Petition for Filing of Patent Application When One Joint Inventor Cannot Be Found or Refuses to Execute Papers under 37 CFR 1.47(a)" filed 03 April 2008 to accept the application without the signature of joint-inventor, Dirk Hambach.

BACKGROUND

On 10 June 2005, applicants filed international application PCT/EP05/06247 which claimed a priority date of 11 June 2004. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 11 December 2006.

On 27 October 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: a preliminary amendment and a copy of the international application. The Basic National Fee was not submitted.

On 21 June 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT UNDER 35 U.S.C. 371 (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 (37 CFR 1.495(b)(2).

On 20 July 2007, applicants filed a petition under 37 CFR 1.137(b). In a decision dated 06 February 2008, applicants' petition under 37 CFR 1.137(b) was granted.

On 11 February 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 03 April 2008, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (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 behalf of the nonsigning joint inventor. Applicants have satisfied Item (1) and (4).

Regarding item (2) above, petitioner states that Dirk Hambach has refused to sign the application. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> 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.

A review of the present petition reveals that petitioner has not shown that a bona fide attempt was made to present the application papers (specification, claims, drawings, and oath/declaration) to Dirk Hambach. The declaration of Richard Haas states that Dirk Hambach refuses to sign the inventor's declaration for this application. However, no documentary evidence to support the refusal or the attempt was provided with Richard Haas 's declaration.

As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, drawings, and oath/declaration) were sent to Dirk Hambach, and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

Regarding item (3), a clear statement of the last known address of the non-signing inventor (Dirk Hambach) has not been provided. Accordingly, item (3) is therefore satisfied.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Dirk Hambach under 37 CFR 1.47(a) at this time.

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) MONTH** 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.

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, 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 PCT Legal Administration
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Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

05 DEC 2008

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Suite 1500
Houston, TX 77056

In re Application of: DEGENHARDT et al. :
U.S. Application No. 11/568,442 :
PCT No.: PCT/EP05/06247 :
Int. Filing Date: 10 June 2005 :
Priority Date: 11 June 2004 :
Attorney Docket No.: ZIMR/0054 : DECISION ON PETITION
For: CHARGED PARTICLE BEAM :
EMITTING DEVICE AND METHOD :
FOR OPERATING A CHARGED. . . .

This decision is issued in response to applicants' "Petition for Filing of Patent Application When One Joint Inventor Cannot Be Found or Refuses to Execute Papers under 37 CFR 1.47(a)" filed 30 September 2008 to accept the application without the signature of joint-inventor, Dirk Hambach.

BACKGROUND

On 10 June 2005, applicants filed international application PCT/EP05/06247 which claimed a priority date of 11 June 2004. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 11 December 2006.

On 27 October 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: a preliminary amendment and a copy of the international application. The Basic National Fee was not submitted.

On 21 June 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT UNDER 35 U.S.C. 371 (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 (37 CFR 1.495(b)(2)).

On 20 July 2007, applicants filed a petition under 37 CFR 1.137(b). In a decision dated 06 February 2008, applicants' petition under 37 CFR 1.137(b) was granted.

On 11 February 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 03 April 2008, applicants filed a petition under 37 CFR 1.47(a). In a decision dated 22 August 2008, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 30 September 2008, applicants filed the renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (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 behalf of the nonsigning joint inventor. Applicants have satisfied Item (1), (3), and (4).

Regarding item (2) above, petitioner states that Dirk Hambach has refused to sign the application. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> 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.

A review of the present petition reveals that petitioner has not shown that a bona fide attempt was made to present the application papers (specification, claims, drawings, and oath/declaration) to Dirk Hambach. The declaration of Richard Haas states that Dirk Hambach orally refused to sign the inventor's declaration for this application. A prerequisite to claiming a refusal to sign is that a copy of the complete application is mailed to the inventor's last known address; this is to insure that any subsequent refusal to sign the papers by the inventor (whether express or implied) is based on a proper understanding of the application at issue. Petitioner has provided a copy of the cover letters addressed to Dirk Hambach, however, these documents have not been translated. Moreover, declarant's statement regarding the mailings of the complete application constitutes secondhand knowledge, in that, the mailings to which declarant is averring to were conducted by Claudia Heinisch. Lastly, petitioner has not provided evidence that application papers were actually received by the nonsigning inventor.

As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, drawings, and oath/declaration) were sent to Dirk Hambach, and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Dirk Hambach under 37 CFR 1.47(a) at this time.

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.

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, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
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23 FEB 2009

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3040 Post Oak Boulevard
Suite 1500
Houston, TX 77056

In re Application of: DEGENHARDT et al. :
U.S. Application No. 11/568,442 :
PCT No.: PCT/EP05/06247 :
Int. Filing Date: 10 June 2005 :
Priority Date: 11 June 2004 :
Attorney Docket No.: ZIMR/0054 : DECISION ON PETITION
For: CHARGED PARTICLE BEAM :
EMITTING DEVICE AND METHOD :
FOR OPERATING A CHARGED. . . .

In a decision mailed by this Office on 05 December 2008, applicants' renewed petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, petitioner had not submitted adequate evidence that the nonsigning inventor had received a copy of the complete application papers and refused to execute application.

On 03 February 2009, petitioner filed the renewed petition considered herein. The renewed petition includes a statement from Claudia Heinisch and Marc Kraushaar, with accompanying documents, which provides the required firsthand evidence that a copy of the complete application was delivered to the inventor at his last known address, and that he has refused to execute the declaration, as requested. These materials satisfy the outstanding requirements for a grantable petition under 37 CFR 1.47(a). The petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of nonsigning inventor Dirk Hambach. A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the nonsigning 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.

Anthony Smith
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23 FEB 2009

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Dirk Hambach
Paganinistr. 53
81247 Munich Germany

In re Application of: DEGENHARDT et al.
U.S. Application No. 11/568,442
PCT No.: PCT/EP05/06247
Int. Filing Date: 10 June 2005
Priority Date: 11 June 2004
Attorney Docket No.: ZIMR/0054
For: CHARGED PARTICLE BEAM EMITTING DEVICE AND METHOD FOR OPERATING A CHARGED. . .

Dear Dirk Hambach:

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.

Anthony Smith
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Office of PCT Legal Administration
Telephone: (571) 272-3298

Counsel of Record:
Patterson & Sheridan, L.L.P.
3040 Post Oak Boulevard
Suite 1500
Houston, TX 77056

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20 MAR 2008

32425
FULBRIGHT & JAWORSKI LLP
600 Congress Ave.
Suite 2400
Austin, TX 78701

In re Application of :
BINDER *et al* :
U.S. Application No.: 11/568,445 :
PCT No.: PCT/EP2005/051921 :
Int. Filing Date: 28 April 2005 : **DECISION**
Priority Date: 29 April 2004 :
Attorney Docket No.: SONN:101US :
For: ENANTIOMER-PURE HEXAHYDRO-PYRROLOCYCLOPENTA-PYRIDINE DERIVATIVES :

This decision is in response to the papers filed on 29 June 2007 which are treated as a petition under 37 CFR 1.42.

BACKGROUND

On 21 June 2007, the DO/EO/US mailed a Notification of Missing requirements (Form PCT/DO/EO/905) requesting an oath or declaration and surcharge fee. Applicants were given two months to respond.

On 29 June 2007, applicants submitted a response which renewed petition under 37 CFR 1.42 containing a declaration executed by a co-inventor and the sole heir of the other co-inventor along with a $65.00 surcharge fee.

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.

Applicants submitted a declaration executed by one of the two named inventors and by Eva Binder on behalf of co-inventor, Dieter Binder as the sole heir. A submission of the declaration signed by the sole heir is construed as an indication that a legal representative has not been appointed nor is one required to be appointed by applicable law, and thus, the heir is signing as the legal representative of the estate. See

MPEP 409.01(d). If this interpretation is incorrect, applicants are required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to the decision.

The declaration complies with 37 CFR 1.42 and 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

This application is being forwarded to the Office of Patent Application Processing for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

10 OCT 2008

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SANCHELIMA & ASSOCIATES, P.A.
JESUS SANCHELIMA, ESQ.
235 S.W. LE JEUNE ROAD
MIAMI FL 33134

In re Application of MARTINEZ	:	
Application No.: 11/568,453	:	
PCT No.: PCT/ES05/70048	:	DECISION ON
Int. Filing: 21 April 2005	:	
Priority Date: 29 April 2004	:	PETITION TO REVIVE
Attorney Docket No.: 260476	:	
For: MECHANISM FOR THE RECOVERY OF ENERGY IN SELF-PROPELLED VEHICLES	:	UNDER 37 CFR 1.137(b)

This is a decision on applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)", filed on 18 September 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 28 October 2006, within the thirty month period, applicant filed a request to enter into the U.S. national stage along with the basic national fee as required by 35 U.S.C. 371(c) and an executed declaration.

On 20 June 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating that an English translation of the international application was required; specifically, the text in the drawings were not properly translated and the number of claims in the international application and the number of claims in the translation were not the same. In addition, the $130 processing fee for providing the translation after the thirty month period, was required. Applicant was given a two month period within which to respond. Extensions of time were available.

On 14 July 2008, a Notification of Abandonment was mailed to applicant, indicating that applicant had failed to respond to the Notification of Missing Requirements within the time period set therein.

On 18 September 2008, applicant filed the instant petition to revive along with the petition fee.

DISCUSSION

A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper response unless it has been previously submitted, (2) the fee required by law for revival of an unintentionally abandoned application (1.17(m)), and (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 under 37 CFR 1.137(b) was unintentional".

With respect to Item (2),the required petition fee of $770 has been paid. With respect to Item (3), 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). With regard to Item (1), a review of the application file reveals that the proper reply was filed with the petition.

CONCLUSION

For the reasons stated above, the petition to revive under 37 CFR 1.137(b) in the above-captioned application is **GRANTED.**

This application is being forwarded 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 **18 September 2008.**

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286
Facsimile: 571-273-0459

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

MATTHIAS SCHOLL
14781 MEMORIAL DRIVE
SUITE 1319
HOUSTON, TX 77079

Mail Date: 04/20/2010

Applicant	: Diping Chen	: DECISION ON REQUEST FOR
Patent Number	: 7619423	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/568,456	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **108** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MATTHIAS SCHOLL
14781 MEMORIAL DRIVE
SUITE 1319
HOUSTON, TX 77079

Mail Date: 05/17/2010

Applicant : Diping Chen
Patent Number : 7619423
Issue Date : 11/17/2009
Application No: 11/568,456
Filed : 10/29/2006

: 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 **143** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

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DEC 0 3 2009

OFFICE OF PETITIONS

In re Application of :
LIU, Hong et al. :
Application No. 11/568,459 : DECISION ON PETITION
Filed: November 29, 2006 : TO WITHDRAW
Attorney Docket No. **093286-0139** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 15, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Foley and Lardner LLP has been revoked by the assignee of the patent application on November 20, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **FANELLI STRAIN & HAAG PLLC**
1455 PENNSYLVANIA AVE., N.W.
SUITE 400
WASHINGTON DC 20004

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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SHOEMAKER AND MATTARE, LTD
10 POST OFFICE ROAD - SUITE 100
SILVER SPRING MD 20910

Applicant: Venturelli, et al.
Appl. No.: 11/568,468
International Filing Date: October 30, 2006
Title: ENDOLUMINAL PROSTHESIS
Attorney Docket No.: 5895
Pub. No.: 2008/0221662 A1
Pub. Date: September 11, 2008

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APR 06 2009

OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 22, 2008, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the benefit claim data to the WO application is incorrect rather than the correct month of "May" the date states "March".

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

On June 3, 2008, a Filing Receipt was mailed by the Office, which improperly listed the PCT filing date. To avoid this type of problem in the future, applicant's representative should make request a corrected filing receipt.

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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United States Patent and Trademark Office
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DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK, NY 10008-0770

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OCT 2 7 2008

OFFICE OF PETITIONS

In re Application of :
LI, Hewei et al. :
Application No. 11/568,474 : DECISION ON PETITION
Filed: October 30, 2006 : TO WITHDRAW
Attorney Docket No. **68159.8001.US00** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 06, 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 DARBY & DARBY P.C. has been revoked by the assignee of the patent application on October 15, 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: **PERKINS COIE LLP**
POST OFFICE BOX 1208
SEATTLE WA 98111-1208

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25 APR 2008

HOVEY WILLIAMS LLP
10801 Mastin Blvd., Suite 1000
Overland Park KS 66210

In re Application of	:	
DEMMER, et al.	:	
U.S. Application No.: 11/568,497	:	DECISION ON PETITION
PCT No.: PCT/EP05/04665	:	
Int. Filing Date: 29 April 2005	:	UNDER 37 CFR 1.182
Priority Date: 29 April 2004	:	
Attorney's Docket No.: 37673	:	
For: PACK WITH A PARTIAL QUANTITY OF FINE CUT AND METHOD OF MANUFACTURING PACKS WITH A PARTIAL QUANTITY OF FINE CUT	:	

This decision is in response to applicant's "Petition Under 37 C.F.R. § 1.182 to Recognize Name Change of Inventor" filed 23 April 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 29 April 2005, applicant filed international application PCT/EP05/04665, which claimed priority of an earlier application filed 29 April 2004. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 10 November 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 29 October 2006.

On 30 October 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 English translation of the international application as filed and a First preliminary amendment. Applicant did not file an executed oath or declaration of the inventor.

On 25 June 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. 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 24 August 2007, applicant filed an executed combined declaration and power of

attorney.

On 27 March 2008, applicant was mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) informing applicant that the filed declaration did not comply with 37 CFR 1.497 (a) and (b) and thus was not a proper response to the Form PCT/DO/EO/905 mailed 25 June 2007. Applicant was afforded one month from the mailing of the Form PCT/DO/EO/916 or the extendable time remaining in the response period set forth in the Form PCT/DO/EO/905, whichever was longer.

On 23 April 2008, applicant filed the present petition under 37 CFR .1182 to change the name of inventor Birte Homburg nee Schulte.

DISCUSSION

The present petition is accompanied by a declaration setting forth the procedure whereby the change of name was effected; namely by marriage. The declaration is executed by Mrs. Homburg identifying her current married name and her maiden name. As such, it is appropriate to grant applicant's petition at this time. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have now been satisfied.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name from Birte Schulte to Birte Homburg is **GRANTED**.

The application has an international filing date of 29 April 2005 under 35 U.S.C. 363 and will be given a date of **24 August 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/568,526	10/31/2006	Jorg Schwarzbich	344/1/116	5949

7590 02/23/2009

RICHARD M. GOLDBERG
25 EAST SALEM STREET
SUITE 419
HACKENSACK, NJ 07601

EXAMINER	
ART UNIT	PAPER NUMBER
2841	
MAIL DATE	DELIVERY MODE
02/23/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

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WORKMAN NYDEGGER/Leica
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Mail Date: 04/20/2010

Applicant	: Zheng Dong Zeng	: DECISION ON REQUEST FOR
Patent Number	: 7644505	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/568,530	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **223** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of
HASHIMOTO, SATOSHI, et al.
Application No. 11/568,555
Filed: November 01, 2006
Attorney Docket No. P30975

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 June 17, 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:

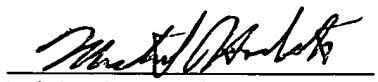
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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 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
Quality Assurance Specialist
Technology Center 2600
Communications

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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HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902-0902
MINNEAPOLIS MN 55402

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FEB 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Takashi Fujioka, et al.	:	
Application No. 11/568,565	:	DECISION GRANTING PETITION
Filed: November 1, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 10873.1958USWO	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 18, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 11, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2622 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.*

27 OCT 2008

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P.O. Box 1450
Alexandria, VA 22313-1450
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David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
1 Becton Drive
MC 110
Franklin Lakes NJ 07417-1880

In re Application of	:	
DICESARE et al.	:	DECISION
Application No.: 11/568,619	:	
PCT No.: PCT/US2005/015578	:	
Int. Filing Date: 04 May 2005	:	
Priority Date: 07 May 2004	:	
Attorney's Docket No.: P-6035	:	
For: ROTARY-ACTUATED MEDICAL PUNCHING DEVICE	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 18 August 2008. The request has properly been treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 04 May 2005, applicants filed international application PCT/US2005/015578 which claimed a priority date of 07 May 2004 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 24 November 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 November 2006.

On 03 November 2006, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 26 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 a declaration of inventors was required.

On 17 January 2008, applicants submitted, *inter alia*, a declaration of inventors.

On 22 July 2008, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the declaration of inventors filed 17

January 2008 was not in compliance with 37 CFR 1.497(a)-(b) because each inventor was listed on a separate page.

On 18 August 2008, applicants filed the instant submission, which has properly been treated as a petition under 37 CFR 1.181.

DISCUSSION

The petition under 37 CFR 1.181 in essence requests that the NOTIFICATION OF DEFECTIVE RESPONSE mailed 22 July 2008 be vacated. This NOTIFICATION was sent in error. The declaration of inventors filed 17 January 2008 is in compliance with 37 CFR 1.497(a)-(b). Accordingly, the NOTIFICATION OF DEFECTIVE RESPONSE is hereby VACATED.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The NOTIFICATION OF DEFECTIVE RESPONSE mailed 22 July 2008 is VACATED.

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.

/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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MAY 04 2010

OFFICE OF PETITIONS

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS MN 55415-1002

In re Application of :
Robert K. Graupner et al :
Application No. 11/568,629 : DECISION ON PETITION
Filed: November 3, 2006 :
Attorney Docket No. P484.312-0003 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an election; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the restriction requirement mailed April 20, 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 1793 for appropriate action by the Examiner in the normal course of business on the reply received January 21, 2010.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

07 AUG 2007

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United States Patent and Trademark Office
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FULBRIGHT & JAWORSKI, L.L.P.
600 Congress Ave.
Suite 2400
Austin TX 78701

In re Application of
RAUM *et al*
U.S. Application No.: 11/568,685
PCT No.: PCT/EP2005/004893
Int. Filing Date: 04 May 2005
Priority Date: 05 May 2004
Attorney Docket No.: DEBE:070US
For: PREPARATION OF SCFV ANTIBODY FRAGMENTS

DECISION

This decision is in response to the papers filed on 19 June 2007 which are treated as a petition under 37 CFR 1.182.

BACKGROUND

On 03 November 2006, applicants filed a national stage application listing the international application number on the transmittal letter (Form PTO-1390) as PCT/US2005/004893. All the other papers submitted contain information pertaining to PCT/EP2005/004893. The above-captioned application was processed by the United States Designated/Elected Office as the national stage of PCT/US2005/004893.

On 30 March 2006, applicants filed the subject petition to correct the PCT number in the subject application. Applicants authorized that any fee be charged to Deposit Account No. 50-1212.

DISCUSSION

Applicants state that the "correct International Application No. is PCT/EP2005/004893." This request is treated as a petition under 37 CFR 1.182. The $400.00 petition fee has been charged to Deposit Account No. 50-1212 as authorized.

A review of all of the papers submitted on 03 November 2006 indicate that the papers were intended as the national stage of PCT/EP2005/004893, not PCT/US2005/004893. The Preliminary Amendment specifically states that the application "is a national phase application under 35 U.S.C. § 371 of International Patent Application No.: PCT/EP2005/004893 filed 4 May 2005."

Besides the transmittal letter, there is no indication that applicants intended to file this application as the national stage of PCT/US2005/004893.

This evidence is sufficient to show that applicants intended that the subject application is the national stage of PCT/EP2005/004893.

CONCLUSION

For the reasons listed above, the petition under 37 CFR 1.182 is **GRANTED**.

Applicants are reminded to use **PCT/EP2005/004893** as the international application for all future correspondence regarding this application.

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

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18 NOV 2009

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BRIARCLIFF MANOR NY 10510

In re Application of:
LEIJTEN, Jeroen, Anton, Johan
U.S. Application No.: 11/568,714
PCT Application No.: PCT/IB2005/051491
International Filing Date: 09 May 2005
Priority Date: 13 May 2004
Attorney's Docket No.: PHNL040520 US
For: LOWER POWER ASSEMBLER

COMMUNICATION

The petition for revival under 37 CFR 1.137(b) filed 12 October 2009 in the above-captioned application is hereby **GRANTED** as follows:

As discussed in the communication mailed 12 August 2009, the international application number provided in applicant's original application submission (PCT/IB05/11792) was not a valid international application number. Applicant's present submission indicates that the correct international application number for this national stage application is PCT/IB2005/051491. Based on this submission, USPTO records have been corrected to identify the present application as the U.S. national stage under 35 U.S.C. 371 of PCT/IB2005/051491.

A U.S. national stage application properly directed to international application PCT/IB2005/051491, accompanied by payment of the basic national fee, was not filed prior to the expiration of thirty months from the priority date of such international application, i.e., 13 November 2006. As a result, international application PCT/IB2005/051491 became abandoned with respect to the U.S. at midnight on 13 November 2006.

The present petition for revival of PCT/IB2005/051491was accompanied by payment of the petition fee and the "required reply" in the form of clarification that the present national stage application is directed to PCT/IB2005/051491 (applicant had previously submitted herein payment of the basic national fee). In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required request 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). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Revival of the international application for purposes of the U.S. is therefore appropriate.

It is noted that applicant's original filing on 06 November 2006 included an executed declaration. However, the declaration does not properly identify the specification to which it was directed and therefore may not be accepted in compliance with 37 CFR 1.497.

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, including the mailing of a Notification Of Missing Requirements requiring submission of an oath or declaration in compliance with 37 CFR 1.497.

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12 OCT 2007

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BRIARCLIFF MANOR NY 10510

In re Application of VOORT et al. Application No.: 11/568,743 PCT No.: PCT/IB05/51430 Int. Filing Date: 03 May 2005 Priority Date: 11May 2004 Attorney Docket No.: DE 040116 For: MEASUREMENT HEAD FOR NON-INVASIVE BLOOD ANALYSIS	DECISION ON PETITION UNDER 37 CFR 1.182

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371. Applicant submitted an executed declaration in the above referenced application filed in the United States Patent and Trademark Office on 25 July 2007.

BACKGROUND

On 06 November 2006, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee.

On 19 June 2007, a Notification of Missing Requirements was mailed to applicants indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) & (b) and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 25 July 2007, applicant filed a Response to the Notification of Missing Requirements along with an executed declaration of the inventors. The published international application identified the first inventor as Marjolein Voort. However, the declaration identified the first inventor as Marjolein *van der* Voorst and was executed as such.

DISCUSSION

A review of the application file reveals that the given name of the applicant as listed on the published international application is "Marjolein Voorst.". The declaration, filed on 25 July 2007, is signed by "Marjolein Van Der Voorst". The executed declaration is not in compliance with 37 CFR 1.497(a) and (b) as the declaration does not name the inventive entity identified in the published international application. Thus, the declaration does not satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

It does not appear that applicant filed a request under PCT Rule 92*bis* to change the name of the inventor as no Notification of the Recording of a Change (Form PCT/IB/306) has been

submitted which indicates that the name change was accepted. Should applicant wish to change the first inventor's name to Van der Voorst, a petition under 37 CFR 1.182 is required. See MPEP §605.04(c).

CONCLUSION

The declaration of inventors submitted by applicants on 25 July 2007 is not in compliance with 37 CFR 1.497(a) and (b).

Applicant has ONE (1) month within which to respond to this decision or the time remaining under the Notification of Missing Requirements mailed on 19 June 2007.

The application will be held in the PCT Legal Office to await applicant's further reply.

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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19 DEC 2007

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In re Application of VOORT et al. Application No.: 11/568,743 PCT No.: PCT/IB05/51430 Int. Filing Date: 03 May 2005 Priority Date: 11 May 2004 Attorney Docket No.: DE 040116 For: MEASUREMENT HEAD FOR NON-INVASIVE BLOOD ANALYSIS	DECISION ON PETITION UNDER 37 CFR 1.182

This is a decision on applicant's petition under 37 CFR 1.182 to correct the inventor's name to Marjolein van der Voort, filed in the United States Patent and Trademark Office on 07 December 2007.

On 06 November 2006, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee.

On 19 June 2007, a Notification of Missing Requirements was mailed to applicants indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) & (b) and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 25 July 2007, applicant filed a Response to the Notification of Missing Requirements along with an executed declaration of the inventors. The published international application identified the first inventor as Marjolein Voort. However, the declaration identified the first inventor as Marjolein *van der* Voorst and was executed as such.

On 12 October 2007, a decision was mailed to applicant indicating that the declaration was not in compliance with 37 CFR 1.182.

On 07 December 2007, applicant filed the instant petition under 37 CFR 1.182 requesting that inventor Marjolein Voort's name be corrected to Marjolein van der Voort.

The petition under 37 CFR 1.182 to change the inventor's name from Marjolein Voort to **Marjolein van der Voort** is **GRANTED**. The declaration submitted on 25 July 2007 is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

The application will be forwarded 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 **25 July 2007**.

/Cynthia M. Kratz
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15 OCT 2007

Knoble Yoshida & Dunleavy, LLC
1628 John F. Kennedy Blvd.
Eight Penn Center, Suite 1350
Philadelphia, PA 19103

In re Application of :
WILSON, Nestor Antonio Lagos :
Application No.: 11/568,752 : DECISION ON PETITION
PCT No.: PCT/US05/15946 :
Int. Filing Date: 06 May 2005 :
Priority Date: 07 May 2004 :
Attorney Docket No.: MIC-1006US :
For: PHYCOTOXINS AND USES THEREOF

This decision is issued in response to applicant's "Response to Notification of Defective Response under 35 U.S.C.371 in the United Stated Designated/Elected Office (DO/EO/US)" filed 05 September 2007. The submission is treated herein as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 06 May 2005, applicant filed international application PCT/US05/15946 which claimed a priority date of 07 May 2004. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 07 November 2006.

On 06 November 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment for the basic national fee; a copy of the international application; and an application data sheet. The international application furnished by the International Bureau included an executed Declaration of Inventorship under PCT Rules 4.17(iv) and 51bis.1(a)(iv).

On 21 June 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) stating that an oath or 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 28 June 2007, applicant filed "Response to Notification of Missing Requirements under 35 U.S.C. 371 in the Untied States Designated/Elected Office (DO/EO/US)." The submission asserts that the international application was filed with an acceptable

declaration under PCT Rule 4.17(iv) and that the declaration requirement has already been satisfied with respect to the present application.

On 27 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed Notification of Defective Response (Form PCT/DO/EO/916) stating that the declaration does not identify the application to which is directed.

On 05 September 2007, applicant filed "Response to Notification of Defective Response under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)."

DISCUSSION

As stated above, the international application forwarded to the USPTO by the International Bureau included a Declaration of Inventorship under PCT Rules 4.17(iv) and 51bis.1(a)(iv) for the purposes of the designation of the United States of America. The declaration executed by the named inventor is in compliance with 37 CFR 1.497(a)-(b) and thus satisfied the provisions of 35 U.S.C. 371(c)(4). Therefore, the Notification Of Missing Requirements mailed 21 June 2007 and Notification of Defective Response (Form PCT/DO/EO/916) mailed 27 August 2007 are hereby **VACATED**.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED**.

This application is being returned to the United States/Elected Office for processing in accordance with this decision.

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21 AUG 2008

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Emisphere Technologies, Inc
240 Cedar Knolls Road
Suite # 200
Cedar Knolls NJ 07927

In re Application of LEVCHIK et al. Application No.: 11/568,753 PCT No.: PCT/US05/16126 Int. Filing: 06 May 2005 Priority Date: 06 May 2004 Attorney Docket No.: M957-US2 For: CRYSTALLINE POLYMORPHIC FORMS OF MONOSODIUM N-[-8-2 HYDROXY BENZOYL AMINO] CAPREOLATA	: DECISION ON : : RESPONSE TO : : NOTIFICATION OF : :DEFECTIVE RESPONSE :

This decision is in response to applicant's "Response to Notification of Defective Response Involving Declaration for Patent Application" filed on 17 January 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 27 July 2007, a Notification of Missing Requirements was mailed to applicant indicating that, *inter alia*, 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 26 September 2007, a Response to the Notification of Missing Requirements (Form PCT/DO/EO/905) was filed in the USPTO accompanied by an executed declaration.

On 17 December 2007, a Notification of Defective Response was mailed indicating that the declaration appeared to be a compilation of a number of separate declaration documents: one first page, one second page, one third page and two copies of the fourth page. Applicant was advised that "where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. See MPEP 201.03(II)(B)."[1]

---

[1] MPEP 201.03 states, in pertinent part, :

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

Applicant was advised to complete a response within a time limit of ONE month or the time remaining in the response set forth in the Notification (27 February 2008).

On 17 January 2008, in an attempt to rectify the declaration, applicant submitted four individual declarations. However, each declaration only identifies one of the four inventors listed on the published international application.

DISCUSSION

A review of the four declarations reveals that each declaration identifies and is executed by only one of the four inventors identified on the published international application. The newly executed declarations are not in compliance with 37 CFR 1.497(a) and (b) because each declaration only identifies a single inventor.

Since the time limit under the 905 has expired and applicant has not provided a proper reply; that is; a new acceptable oath or declaration executed by and identifying the four inventors and in compliance with 37 CFR 1.497(a) and (b), the application is abandoned.

CONCLUSION

The application is **ABANDONED**.

The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of Notification of Abandonment (Form PCT/DO/EO/909).

A petition to revive the unintentionally abandoned application under 37 CFR 1.137(b) may be filed with the proper reply. The proper reply is a newly executed oath or declaration, identifying and executed by all four inventors, in compliance with 37 CFR 1.497(a) and (b), to satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

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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---

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).

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0 2 JAN 2009

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Emisphere Technologies, Inc
240 Cedar Knolls Road
Suite # 200
Cedar Knolls NJ 07927

In re Application of LEVCHIK et al.	:	DECISION ON
Application No.: 11/568,753	:	
PCT No.: PCT/US05/16126	:	PETITION UNDER
Int. Filing: 06 May 2005	:	
Priority Date: 06 May 2004	:	37 CFR 1.137(b)
Attorney Docket No.: M957-US2	:	
For: CRYSTALLINE POLYMORPHIC FORMS OF MONOSODIUM N-[-8-2 HYDROXY BENZOYL AMINO] CAPREOLATA	:	

The petition to revive under 37 CFR 1.137(b) filed 22 September 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "any abandonment of this application is entirely unintentional" has been interpreted as meaning that "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to promptly notify this office.

A review of the application file reveals that declarations, executed by the inventors and in compliance with 37 CFR 1.497(a) and (b), have now been provided. The required petition fee of $1540 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. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 22 September 2008.

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17 JUN 2008

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22191
GREENBERG TRAURIG LLP
1750 Tysons Blvd, 12th Floor
McLean, VA 22102

In re Application of :
HOF *et al* :
U.S. Application No.: 11/568,755 :
PCT No.: PCT/NL2005/000344 :
Int. Filing Date: 06 May 2005 : **DECISION ON**
Priority Date: 06 May 2004 : **PETITION**
Attorney Docket No.: 100437-010200 : **UNDER 37 CFR 1.497(d)**
For: ORAL SENSOR HOLDER AND :
ASSEMBLY OF SUCH A SENSOR :
HOLDER AND A DIGITAL SENSOR :

This is a decision on applicants' "Petition to Correct Inventorship under 37 C.F.R. §1.497(d)" filed 17 September 2007 requesting to remove an inventor in the above-captioned national stage application.

BACKGROUND

On 18 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 that additional claim fees and an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required. Applicants were given two months to comply with extensions of time available pursuant to 37 CFR 1.136(a).

On 17 September 2007, applicants filed the subject response which was accompanied by, *inter alia*, authorization to charge the $130.00 processing fee and one-month extension fee Deposit Account No. 50-0653, a statement by co-inventor Frans Van Leeuwen and a declaration executed by Rene Albert Hof.

DISCUSSION

Applicants request that Frans Van Leeuwen be removed as inventor in the above-captioned national stage application of PCT/NL2005/000344.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (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 a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), 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(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Here, applicants have provided the requisite statement by Mr. Van Leeuwen. The $130.00 fee has been charged to Deposit Account No. 50-0653 as authorized. Thus, items (1) and (2) of 37 CFR 1.497(d) are complete.

However, applicants have not provided the written consent of the assignee as required. A review of the subject application shows that DUPHAMED B.V. is recorded as the assignee. Item (3) of 37 CFR 1.497(d) is not satisfied.

Therefore, all the requirements of 37 CFR 1.497(d) are not yet satisfied.

CONCLUSION

For the reason discussed above, applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Accordingly, the declaration filed 17 September 2007 is not yet in compliance with 37 CFR 1.497(a) and (b).

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).

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O.

Box 1450, Alexandria, Virginia 22313-1450.

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McLean, VA 22102

In re Application of :
HOF *et al* :
U.S. Application No.: 11/568,755 :
PCT No.: PCT/NL2005/000344 :
Int. Filing Date: 06 May 2005 : **DECISION ON**
Priority Date: 06 May 2004 : **RENEWED PETITION**
Attorney Docket No.: 100437-010200 : **UNDER 37 CFR 1.497(d)**
For: ORAL SENSOR HOLDER AND :
ASSEMBLY OF SUCH A SENSOR :
HOLDER AND A DIGITAL SENSOR :

This is a decision on the papers filed 14 August 2008 which are treated as a renewed request under 37 C.F.R. 1.497(d).

BACKGROUND

On 17 June 2008, a decision dismissing applicants' petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available.

On 14 August 2008, applicants filed the renewed petition.

DISCUSSION

Applicants request that Frans Van Leeuwen be removed as inventor in the above-captioned national stage application of PCT/NL2005/000344. As previously noted, 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (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 a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), 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(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

The prior decision noted that applicants had not provided the written consent of the assignee DUPHAMED B.V. In the renewed petition, applicants point out that the consent of the assignee was provided in the "Statement of Frans Van Leeuwen Under §1.497(d)(1)." Applicants submitted a copy of the prior petition in their response.

A further review of the document titled "Statement of Frans Van Leeuwen Under §1.497(d)(1)" shows that at the bottom of the page there is a statement that the applicant and assignee DUPHAMED B.V. consents to the removal of Frans Van Leeuwen as inventor in the above-captioned application.

However, the title of the officer of DUPHAMED B.V. was not provided in this statement. In addition, the statement does not set forth that the person signing is authorized to act on behalf of the assignee. Moreover, a statement under 3.73(b) was also not provided. Further, a review of the assignment recorded in the above-captioned application to verify that the person signing has the authority to sign for the corporation was not helpful as the assignment does not list any of the officers of DUPHAMED B.V. For these reasons, the consent of assignee is not accepted. *See* § 324 MPEP.

Therefore, all the requirements of 37 CFR 1.497(d) are still not complete.

CONCLUSION

For the reason discussed above, applicants' request under 37 CFR 1.497(d) 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. 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 the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O.

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In re Application of :
HOF, Rene Albert :
U.S. Application No.: 11/568,755 :
PCT No.: PCT/NL2005/000344 :
Int. Filing Date: 06 May 2005 : **DECISION ON SECOND**
Priority Date: 06 May 2004 : **RENEWED PETITION**
Attorney Docket No.: 100437-010200 : **UNDER 37 CFR 1.497(d)**
For: ORAL SENSOR HOLDER AND :
ASSEMBLY OF SUCH A SENSOR :
HOLDER AND A DIGITAL SENSOR :

This is a decision on the second renewed request under 37 C.F.R. 1.497(d) filed 05 February 2009.

BACKGROUND

On 05 December 2008, a decision dismissing applicants' renewed petition under 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available.

On 05 February 2009, applicants filed the subject response which was accompanied by, *inter alia*, a statement under 3.73(b) signed by Mr. Rene Albert Hof.

DISCUSSION

As previously noted, 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application and states, in part:

> (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 a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), 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(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Applicants previously completed items (1) and (2) of 37 CFR 1.497(d).

Regarding item (3) of 37 CFR 1.497(d), the consent by assignee for change of inventorship provided on 17 September 2007 was not accepted. Mr. Hof submitted the consent of assignee but failed to provide his title, or state that he was authorized to act on behalf of the assignee.

In the second renewed petition, applicants submitted a statement under 3.73(b) executed by Mr. Hof as Managing Officer of DUPHAMED B.V. (the assignee). Mr. Hof asserts that he is authorized to sign for the assignee. This is sufficient to satisfy Item (3) of 37 CFR 1.497(d).

All items of 37 CFR 1.497(d) are now complete.

CONCLUSION

Applicants' second renewed request to remove Frans Van Leeuwen as an inventor in the above-captioned application pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 17 September 2007 is now in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 06 May 2005 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 17 September 2007.

This application is being forwarded to the DO/EO/US for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

0 5 MAR 2007

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DEMONT & BREYER, LLC
100 COMMONS WAY
HOLMDEL NJ 07733

In re Application of	:	
SCHAFER-ROTH	:	
Application No.: 11/568,759	:	
PCT No.: PCT/EP2005/005083	:	DECISION
Int. Filing Date: 11 May 2005	:	
Priority Date: 11 May 2004	:	
Attorney's Docket No.: 9771-019US	:	
For: SYSTEM AND ASSEMBLY FOR SEALING CONTAINERS	:	

This decision is in response to applicant's "REQUEST FOR CORRECTION TO FOREIGN PRIORITY DATE" filed 08 February 2007, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 11 May 2005, applicant filed international application PCT/EP2005/005083, which designated the United States and claimed a priority date of 11 May 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 24 November 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 November 2006 (11 November 2006 being a Saturday).

On 06 November 2006, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and an Application Data Sheet (ADS).

On 12 December 2005, applicant filed a "REQUEST FOR CORRECTION TO FOREIGN PRIORITY DATE" requesting that the international filing date for international application PCT/EP2005/005083 be changed in the USPTO database for the instant application to 11 May 2005 (rather than 11 March 2005). The request has properly been treated as a petition under 37 CFR 1.181.

DISCUSSION

As noted in the petition, the international filing date for international application PCT/EP2005/005083 is 11 May 2005. The USPTO database for the instant application now shows the correct international filing date.

CONCLUSION

For the reasons set forth above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

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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11 MAY 2007

VENABLE, CAMPILLO, LOGAN & MEANEY PC
1938 E. OSBORN ROAD
PHOENIX, AZ 85016

In re Application of	:	
OZBEK, Mehmet et al.	:	DECISION ON
Application No.: 11/568,764	:	
PCT No.: PCT/IB05/51276	:	
Int. Filing Date: 19 April 2005	:	PETITION
Priority Date: 28 April 2004	:	
Attorney's Docket No.: PHDL0860-011	:	
For: A Washer/Dryer	:	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 06 November 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant filed on 06 November 2006 the required petition fee, the basic national fee, the national stage search and examination fees, the multiple dependent claim fee, the oath or declaration of the inventors under 35 U.S.C. 371(c)(4) and 37 CFR 1.497 and the surcharge for filing the oath or declaration later than 30 months from the priority date.

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 National Stage Processing Division of the Office of PCT Operations for continued processing.

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

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MARGER JOHNSON & MCCOLLOM, P.C.
210 SW MORRISON STREET, SUITE 400
PORTLAND OR 97204

COPY MAILED

MAR 26 2007

OFFICE OF PETITIONS

In re Application of :
Lee, et al. :
Application No. 11/568,769 :
Filed: November 6, 2006 :
Attorney Docket No. 3576-028 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed November 10, 2006.

Your fee deficiency submission under 37 CFR 1.28 is **NOT ACCEPTED**.

Any reconsideration petition should be filed within one (1) month of the mailing of this decision. Extensions of time are not available.

37 CFR 1.28(c)(2)(ii) states:

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 a 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.

37 CFR 1.28(c)(3) states:

Failure to comply with requirements . If the requirements of paragraphs (c)(1) and (c)(2) of this section are not complied with, such failure will either: be treated as an authorization for the Office to process the deficiency payment and charge the processing fee set forth in § 1.17(i), or

result in a requirement for compliance within a one-month non-extendable time period under § 1.136(a) to avoid the return of the fee deficiency paper, at the option of the Office.

The Office requires petitioner to comply with 37 CFR 1.28(c)(2) within one month of the mailing of this decision.

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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210 SW MORRISON STREET, SUITE 400
PORTLAND OR 97204

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JAN 3 0 2009

OFFICE OF PETITIONS

In re Application of :
Lee, et al. :
Application No. 11/568,769 :
Filed: November 6, 2006 :
Attorney Docket No. 3576-028 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed April 23, 2007.

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.

Pursuant to petitioners' authorization, deposit account no. 13-1703 is being charged $515.00 for deficient filing, examination, search, and surcharge fees.

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.

After the mailing of this notice, the application will be returned to the Office of Patent Application Processing for further pre-examination processing.

Inquiries related to this communication 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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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

Mail Date: 04/20/2010

Applicant	: Yuki Satoh	: DECISION ON REQUEST FOR
Patent Number	: 7629862	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/568,772	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **177** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Mail Date: 04/20/2010

Applicant	: Masayuki Yabuki	: DECISION ON REQUEST FOR
Patent Number	: 7608459	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/568,778	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **298** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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04 DEC 2006

Pattric J. Rawlins
Procopio, Cory, Hargreaves & Savitch LLP
530 B Street, Suite 2100
San Diego, CA 92101-4469

In re Application of	:	
TOMIZU	:	DECISION ON PETITION
Application No.: 11/568,787	:	
PCT No.: PCT/JP05/08554	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 28 April 2005	:	
Priority Date: 07 May 2004	:	
Atty. Docket No.: K23-194572	:	
For: DEVICE DRIVER PROVIDING METHOD, INFORMATION DEVICE, AND PERIPHERAL DEVICE	:	

The petition to revive under 37 CFR 1.137(b) filed 28 November 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" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. 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 (DO/EO/US) for the preparation and mailing of a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventor is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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WesternGeco, L.L.C.
P. O. Box 2469
Houston, TX 77252-2469

NOV 30 2007

In re Application of	:	**DECISION ON REQUEST TO**
ROBERTSSON, Johan Olof	:	**PARTICIPATE IN PATENT**
Application No. 11568803	:	**PROSECUTION HIGHWAY**
Filed: November 7, 2006	:	**PILOT PROGRAM AND PETITION**
Attorney Docket No. 57.06279-PCT-US	:	**TO MAKE SPECIAL UNDER**
For: INTERPOLATION & EXTRAPOLATION METHOD FOR SEISMIC RECORDINGS	:	**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 September 27, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application is (a) a Paris Convention application, or (b) a national stage application under the PCT, or (c) a so-called bypass application filed under 35 USC 111(a) validly claiming benefit under 35 USC 120 to a PCT application, the PCT application validly claiming benefit under 35 USC 119(a) and 37 CFR 1.55 to one or more applications filed in the UK IPO;
(2) A copy of the allowable/patentable claim(s) from the UK IPO;
(3) All the claims in the U.S. application to sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UK IPO application(s);
(4) Examination of the U.S. application has not begun;
(5) The required petition fee under 37 CFR 1.17(h).
(6) A copy of all the office actions from each of the UK IPO application(s) containing the allowable/patentable claim(s); and
(7) An IDS listing the documents cited by the UK IPO examiner in the UK IPO office action along with copies of documents, except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Christine Oda at 571-272-1602.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is currently in pre-examination. The application will be forwarded to the examiner for action on the merits commensurate with this decision once the pre-examination processing is complete.

/C. Oda/
Christine Oda
TQAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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21269
PEPPER HAMILTON LLP
One Mellon Center, 50th Floor
500 Grant Street
Pittsburgh, PA 152190462

In re Application of :
SHIM, Dongho :
Application No.: 11/568,815 :
PCT No.: PCT/KR2006/002089 :
Int. Filing Date: 30 May 2006 : **DECISION**
Priority Date: 31 May 2005 :
Attorney Docket No.: 130814.00401 :
For: SYSTEM FOR BLOCKING SPAM AND METHOD OF THE SAME :

This decision is in response to the petition to remove an inventor filed 08 February 2007 which is treated under 37 CFR 1.497(d).

BACKGROUND

On 08 November 2006, applicant filed papers to enter the national stage of PCT/KR2006/002089 which was accompanied by a declaration executed by Dongho Shim and Yunchan Kim.

On 08 February 2007, applicant filed the subject petition under 37 CFR 1.48(a) to remove an inventor which was accompanied by, *inter alia*, a declaration executed by Dongho Shim as the sole inventor, a statement by Mr. Yunchan Kim, and a statement by the assignee.

DISCUSSION

Dongho Shim and Yunchan Kim were listed as inventors in the international application. Applicant requests to remove Yunchan Kim as an inventor in the above-captioned national stage application.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (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 . . . 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) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Applicant filed a statement by Mr. Kim who requests to be removed as an inventor in the above-captioned application. The statement declares that the omission "occurred without deceptive intention." The processing fee of $130.00 has been paid.

Applicant also submitted a statement under 37 CFR 1.48(a) signed by "an authorized officer of Nurivision Co., Ltd." agreeing to the petition to delete an inventor. The statement is sufficient to meet the requirements of section 324 of the MPEP. Nurivision Co., Ltd is the assignee of the above-captioned application. The reel and frame number of the assignment was also provided.

This is sufficient for a grantable petition under 37 CFR 1.497(d).

CONCLUSION

Applicant's request under 37 CFR 1.497(d) is **GRANTED**.

Yunchan Kim has been removed as an inventor in the subject application.

The declaration filed with the subject petition is in compliance with 37 CFR 1.497(a) and (b). Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 30 May 2006, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 08 February 2007.

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

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11 DEC 2008

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61214
FOX ROTHSCHILD, LLP
Elan Pharma International Limited
2000 Market Street
Philadelphia, PA 19103

In re Application of :
DEVANE *et al* :
U.S. Application No.: 11/568,825 :
PCT No.: PCT/US2006/018835 :
Int. Filing Date: 16 May 2006 :
Priority Date: 16 May 2005 : **DECISION**
Attorney Docket No.: 34074.00125 :
For: NANOPARTICULATE AND :
CONTROLLED RELEASE :
COMPOSITIONS COMPRISING A :
CEPHALOSPORIN :

This decision is in response to applicants' petition under 37 CFR 1.47 filed 23 October 2008.

BACKGROUND

On 25 August 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available.

On 23 October 2008, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration signed by five of the six named inventors; required fees; and other documentary evidence in support of the petition.

DISCUSSION

Applicants claim that Paul Stark refuses to cooperate in the above-captioned application and filed the subject petition in response to the Form PCT/DO/EO/905 mailed 25 August 2008.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuse to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventor. Items (2) and (4) are not yet complete.

Regarding item (2), the 37 CFR 1.47(a) applicants' burden in showing that an inventor refuses to cooperate is explained in section 409.03(d) of the MPEP, *II. Refusal to Join*. Several pertinent segments are listed below:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the non-signing inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney . . .
>
> 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 . . .
>
> **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.**

Petitioners provided a copy of an email from the nonsigning inventor dated 06 December 2007 indicating that he would not sign any documentation in relation to Elan patents in the future. This would constitute a written refusal to cooperate. However, in order for the refusal to be accepted, petitioners must show that Mr. Stark was given (or an attempt was made to provide) a complete copy of the subject application.

Here, the 37 CFR 1.47(a) applicants have not demonstrated that a complete copy of the application including specification, claims and drawings were sent to Mr. Stark. The memorandum written by applicants' representative dated 21 May 2007 is not sufficient. Petitioners must show that at a minimum, an attempt was made to present the application papers to the nonsigning inventor for the refusal to be accepted.

For this reasons, item (2) of 37 CFR 1.47(a) is not yet satisfied.

Concerning item (4), the 37 CFR 1.47(a) applicants submitted a declaration signed by five of the six named co-inventors on behalf of themselves and the nonsigning joint inventor. All required information including the nonsigning co-inventor's name, residence, post office addresses and citizenship are typed on the declaration.

However, it appears that petitioners submitted one complete declaration and a portion of at least two other declarations. The declaration submitted is a 3-page declaration consisting of 5 pages (three page 3's). 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. By providing only a partial declaration, it is not clear what inventive entity was listed on the declaration signed by each co-inventor. Petitioners must submit a complete copy of each declaration presented to the inventors.

For this reason, item (4) of 37 CFR 1.47(a) is also not satisfied.

CONCLUSION

Applicants' 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. Extensions of time are available. No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web or if mailed 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.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

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26 JUN 2009

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Elan Pharma International Limited
2000 Market Street
Philadelphia, PA 19103

In re Application of
DEVANE *et al*
U.S. Application No.: 11/568,825
PCT No.: PCT/US2006/018835
Int. Filing Date: 16 May 2006
Priority Date: 16 May 2005
Attorney Docket No.: 34074.00125
For: NANOPARTICULATE AND CONTROLLED RELEASE COMPOSITIONS COMPRISING A CEPHALOSPORIN

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47 filed 11 May 2009.

BACKGROUND

On 11 December 2008, a decision dismissing applicants' 37 CFR 1.47(a) petition was mailed. Applicants were given two months to respond with extensions of time available.

On 11 May 2009, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a three-month extension and fee, a declaration by Shahnam Sharareh, and documentary evidence in support of the renewed petition.

DISCUSSION

Applicants' original petition filed 25 August 2008 was dismissed for failing to show that a complete copy of the above-captioned application including specification, claims and drawings were presented to the nonsigning inventor, Mr. Paul Stark. Moreover, applicants failed to submit a complete copy of each declaration executed by the remaining inventors on their own behalf and on behalf of the nonsigning inventor.

In the renewed petition, the 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the last known address of the nonsigning inventor on 12 March 2009 via Federal Express. The documents provided to Mr. Stark included instructions that he sign and return the declaration, or sign a statement of facts provided. Applicants provided evidence from Federal Express

statement of facts provided. Applicants provided evidence from Federal Express showing that the documents were delivered on 03 April 2009. No response has been received as of the date of mailing the petition, *i.e.*, 11 May 2009.

This evidence is sufficient to show that a complete copy of the subject application was provided to Mr. Stark on 03 April 2009. The totality of the circumstances (the prior emails, the failure to respond to the documents mailed 12 March 2009) leads to the conclusion that Mr. Stark is refusing to cooperate in the subject application as contemplated by section 409.03(d)(II) of the MPEP. Item (2) of 37 CFR 1.47(a) is now satisfied.

Concerning item (4), the 37 CFR 1.47(a) applicants submitted a complete copy of each of declaration signed by five of the six named co-inventors on behalf of themselves and the nonsigning joint inventor. All required information including the nonsigning co-inventor's name, residence, post office addresses and citizenship are typed on the declaration. This declaration is in compliance with 37 CFR 1.497(a) and (b) and meets the requirements of section 409.03(a)(A) of the MPEP. Item (4) of 37 CFR 1.47(a) is also satisfied.

Accordingly, all the requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 16 May 2006 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 11 May 2009.

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 and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
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UNITED STATES PATENT AND TRADEMARK OFFICE

26 JUN 2009

Commissioner for Patents
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Mr. Paul Stark
Pearsonbrook
Glasson
County Westmeath
Ireland

In re Application of
DEVANE *et al*
U.S. Application No.: 11/568,825
PCT No.: PCT/US2006/018835
Int. Filing Date: 16 May 2006
Priority Date: 16 May 2005
Attorney Docket No.: 34074.00125
For: NANOPARTICULATE AND CONTROLLED RELEASE COMPOSITIONS COMPRISING A CEPHALOSPORIN

Mr. Stark:

You are named as an inventor in the above-captioned United States national stage 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. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson
Attorney Advisor
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FOX ROTHSCHILD, LLP
Elan Pharma International Limited
2000 Market Street
Philadelphia, PA 19103

3 1 MAR 2008

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Emisphere Technologies, Inc
240 Cedar Knolls Road
Suite # 200
Cedar Knolls NJ 07927

In re Application of :
Adams et al. :
Application No.: 11/568,826 :
PCT No.: PCT/US2005/017815 :
Int. Filing Date: 19 May 2005 : DECISION
Priority Date: 19 May 2004 :
Attorney Docket No.: 01946/1201276-US1 :
For: Compositions For Delivering Acyclovir :

This is in response to the correspondence filed on 19 November 2007.

BACKGROUND

This international application was filed on 19 May 2005, claimed an earlier priority date of 19 May 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 01 December 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 19 November 2006. Applicant filed *inter alia* the basic national fee on 08 November 2006..

On 20 September 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 a surcharge under 37 CFR 1.492(h), as well as additional fees.

On 19 November 2007, applicants filed a response.

On 05 March 2008, a Notice of Acceptance (Form PCT/DO/EO/903) indicating a 35 U.S.C. 371(c)(1), (2) and (4) date of 19 November 2007 was mailed to applicants.

DISCUSSION

Inspection of the declaration filed on 19 November 2007 reveals that it names three inventors (Singh, Dhoot and Majuru) not nominated in the published international application. However, the application file includes Forms PCT/IB/306 showing that these three inventors were added via PCT Rule 92*bis* during the international phase. However, the declaration is defective in that it appears to have been compiled by aggregating sheets from multiple declaration documents to arrive at a single composite document. MPEP 201.03 explains in part:

> 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).

In view of this policy, it would not be appropriate to accept the declaration filed on 19 November 2007. Accordingly, the Notice of Acceptance (Form PCT/DO/EO/903) mailed on 05 March 2008 was issued in error, and it is hereby **VACATED**.

CONCLUSION

The declaration is **NOT ACCEPTED**, without prejudice.

If reconsideration on the merits of this matter is desired, 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. No additional processing fee is required.

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
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17 JUN 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Passe' Intellectual Property, LLC
1717 Brassfield Road
Raleigh, NC 27614

In re Application of :
RODRIGUEZ, et al. :
Application No.: 11/568,832 :
PCT No.: PCT/US05/16974 : DECISION ON REQUEST
Int. Filing Date: 13 May 2005 :
Priority Date: 13 May 2004 :
Attorney Docket No.: AAD001 :
For: MICROFLUIDIC DEVICE AND LEUCOCYTE ANTIGEN MEDIATED MICROFLUIDIC ASSAY

This decision is in response to applicants' "Response to Notification of Defective Response" filed 02 June 2008 notifying the Office that the correct spelling of the first and second inventor's name is Rodolfo R. Rodriguez and Douglas J. Darr as indicated on the declaration rather than Rudolfo Ramiro Rodriguez and James Darr Douglas as indicated on the published international application. It is noted that the name of second inventor was changed to Douglas James Darr under PCT Rule 92bis during the international phase. Applicants' request has been treated under 37 CFR 1.181. No petition fee is due.

Petitioner states that the discrepancy between the names of the first and second inventors indicated in the international application during the international phase and the names of the inventors as appear in the declaration is the results of a typographical error. 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. Accordingly, applicants' explanation of the difference in the spelling of the first and second inventor's name is accepted and noted for the record.

For the reasons above, the request is **GRANTED**.

This application is being forwarded to United States Designated/Elected Office for further processing and for review of the national stage papers submitted 20 September 2007.

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UNITED STATES PATENT AND TRADEMARK OFFICE

11 AUG 2009

Commissioner for Patents
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61214
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In re Application of
DEVANE *et al*
U.S. Application No.: 11/568,835
PCT No.: PCT/US2006/018835
Int. Filing Date: 23 May 2006
Priority Date: 23 May 2005
Attorney Docket No.: 34074.00109
For: NANOPARTICULATE AND CONTROLLED RELEASE COMPOSITIONS COMPRISING A PLATELET AGGREGATION INHIBITOR

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47 filed 06 April 2009.

BACKGROUND

On 04 November 2008, the Office 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) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and additional claim fees were required. Applicants were given two months to respond with extensions of time available.

On 06 April 2009, applicants filed the subject petition which was accompanied by, *inter alia*, a declaration signed by five of the six named inventors on behalf of the nonsigning inventor; a three-month extension fee; a declaration by Shahnam Sharareh; and documentary evidence in support of the petition (exhibits A - G).

DISCUSSION

Applicants claim that co-inventor Paul Stark refuses to cooperate in the above-captioned application.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the nonsigning joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the

nonsigning joint inventor. Items (1), (3) and (4) are complete.[1]

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application (along with several others) was sent to the last known address of the nonsigning inventor on 12 March 2009 via Federal Express. The documents provided to Mr. Stark included instructions that he sign and return the declaration, or sign a statement of facts provided. The subject petition noted that the documents were not delivered as of 02 April 2009.

However, in U.S. Application No. 11/568,825, applicants provided evidence from Federal Express showing that the documents were delivered on 03 April 2009. Applicants also stated in U.S. Application No. 11/568,825 that no response has been received as of 11 May 2009.

The totality of the circumstances (the email by Mr. Stark dated 06 December 2007, the failure to respond to the documents mailed 12 March 2009) leads to the conclusion that Mr. Stark is refusing to cooperate in the subject application as contemplated by section 409.03(d)(II) of the MPEP. Item (2) of 37 CFR 1.47(a) is satisfied.

Accordingly, all the requirements of 37 CFR 1.47(a) are complete.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 23 May 2006 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 06 April 2009.

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 and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of

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[1] The $200.00 petition fee was paid. The last known address of Mr. Stark was provided. Applicants provided a declaration signed by five of the six named inventors on behalf of themselves and the nonsigning joint inventor. All required information including the nonsigning co-inventor's name, residence, post office addresses and citizenship are typed on the declaration. The declaration is in compliance with 37 CFR 1.47(a) and (b), and meets the requirements of section 409.03(a)(A) of the MPEP.

the Office of PCT Operations for continued processing.

James Thomson
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Office of PCT Legal Administration

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11 AUG 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Mr. Paul Stark
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Glasson, County Westmeath
Ireland

In re Application of
DEVANE *et al*
U.S. Application No.: 11/568,835
PCT No.: PCT/US2006/018835
Int. Filing Date: 23 May 2006
Priority Date: 23 May 2005
Attorney Docket No.: 34074.00109
For: NANOPARTICULATE AND CONTROLLED RELEASE COMPOSITIONS COMPRISING A PLATELET AGGREGATION INHIBITOR

Mr. Stark:

You are named as an inventor in the above-captioned United States national stage 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. The counsel for the applicant is listed below. 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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10 OCT 2007

FREDRIKSON & BYRON, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-1425

In re Application of:
Lars Ericsson.
Application No.: 11/568,839
PCT Application No.: PCT/SE05/000648
Int. Filing Date: 5/4/2005
Priority Date: 5/12/2004
Atty Docket No.: 49741.22.1
For: A METHOD AND A DEVICE FOR MONITORING PHYSICAL CONDITIONS

DECISION ON PAPERS FILED UNDER 37 CFR 1.42

This is decision on applicant's declaration (37 CFR §1.63) filed in the United States Patent and Trademark Office (USPTO) on September 4, 2007 and executed by the legal representative and heirs of the deceased inventor. The submission has been treated as a request for status under 37 CFR 1.42. The request is **REFUSED**.

BACKGROUND

On July 2, 2007 the USPTO mailed to the applicant a Notification of Missing Requirements under 35 U.S.C. 371 indicating that the declaration of the inventors was not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

In the applicant's response received September 4, 2007 the applicant indicated that the inventor Lars Ericsson was now deceased. Applicant submission filed a declaration executed by the legal representative and heirs considered herein.

DISCUSSION

37 CFR 1.497(b)(2) "Oath or Declaration Under 35 U.S.C. 371(c)(4) states in part "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 executed by Berit Stjernfeldt as "Heir and Legal Representative" of the deceased inventor, and by Jonas Eriksson and Daniel Eriksson as "heirs" of the deceased inventor. In that the declaration is signed by the legal representative of the deceased inventor (Berit Stjernfeldt) identification of and execution by the heirs Jonas Eriksson and Daniel Eriksson is unnecessary. While the declaration contains the explanation required under 37 CFR 1.497(a)-(b), the declaration cannot be accepted because of the presence of alterations, i.e. the large arrows on the supplemental page of the declaration. See 37 CFR 1.52(c), which states: "Any interlineation, erasure, cancellation or other alteration of the application papers filed must be made before the signing of any accompanying oath or declaration pursuant to § 1.63 referring to those application papers and should be dated and initialed or signed by the applicant on the same sheet of paper. Application papers containing alterations made after the signing of an oath or declaration referring to those application papers must be supported by a supplemental oath or declaration under § 1.67."

In addition, the declaration improperly identifies the heirs/legal representatives as "additional inventors." The applicant should also use form PTO/SB/2LR entitled "Declaration Supplemental Sheet for Legal Representatives (35 U.S.C. 117) On Behalf of A Deceased or Incapacitated Inventor." A copy of this form is included with this mailing.

CONCLUSION

The request in status under 37 CFR 1.42 is **REFUSED**.

The applicant must submit to the USPTO a new Oath or Declaration in compliance with 37 CFR 1.497(a)-(b) within **TWO MONTHS** from the mailing date of this decision to avoid abandonment of the application. This two month time period is extendable under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner of 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 Administration.

Boris Milef
PCT Legal Examiner
PCT Legal Administration

Michael Zarroli
Detailee
PCT Legal Administration

Telephone: (571) 272-6094
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Incl: PTO/SB/2LR

UNITED STATES PATENT AND TRADEMARK OFFICE

11 DEC 2008

Commissioner for Patents
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INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET
SUITE 4000
MINNEAPOLIS MN 55402

In re Application of
ERICSSON
U.S. Application No. 11/568,839
PCT No.: PCT/SE05/00648
Int. Filing Date: 04 May 2005
Priority Date: 12 May 2004
Attorney Docket No.: 49741.22.1
For: A METHOD AND A DEVICE FOR MONITORING PHYSICAL CONDITIONS

DECISION
REGARDING
SUBMISSION UNDER 37 CFR 1.42

In a decision mailed by this Office on 10 October 2007, the declaration filed by applicant on behalf of deceased inventor Lars Ericsson was dismissed for failure to provide a compliant oath or declaration under 37 CFR 1.497.

On 06 February 2008, applicant filed a response to the previous decision that was accompanied by a revised declaration. The declaration submitted on 06 February 2008 identifies the deceased inventor and states the deceased inventor's country of citizenship and residence, is signed by Berit Stjernfeldt as "Legal Representative," states his/her relationship to the deceased (i.e., Legal Representative), and provides the Legal Representative's country of citizenship and residency. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

The request for status under 37 CFR 1.42 is GRANTED.

The application has an international filing date of 04 May 2005 under 35 U.S.C. 363 and will be given a date of **06 February 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

Derek A. Putonen
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Patton Boggs LLP/ Johnson & Johnson
8484 Westpark Drive
Suite 900
McLean, VA 22102

Mail Date: 06/02/2010

Applicant	: Sandrine Marie Helene Vendeville	: DECISION ON REQUEST FOR
Patent Number	: 7622581	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/568,840	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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PHILIP S. JOHNSON
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ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

Mail Date: 04/20/2010

Applicant	: Bart Rudolf Romanie Kesteleyn	: DECISION ON REQUEST FOR
Patent Number	: 7615639	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/568,845	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **12** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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14 AUG 2007

BANGER SHIA
204 CANYON CREEK
VICTORIA, TEXAS 77901

In re Application of	:	
HUANG, QINGBAO	:	DECISION ON
Application No.: 11/568,854	:	
PCT No.: PCT/CN04/00452	:	
Int. Filing Date: 08 May 2004	:	PETITION
Priority Date: None	:	
Attorney's Docket No.: BP-00066	:	
For: Device For The Removal Of Soot Dust Of Fuel Oil Combustion	:	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 09 November 2006 in the above-captioned application is hereby **GRANTED**.

Applicant filed on 09 November 2006 the required petition fee, the basic national fee, the national stage search and examination fees, a declaration and an English translation of the international application.

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.

Applicant filed a second petition to revive under 37 CFR 1.137(b) on 25 July 2007. Because the petition filed 09 November 2006 has been granted, the petition to revive under 37 CFR 1.137(b) filed 25 July 2007 is **MOOT**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Leonard Smith
PCT Legal Examiner
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27 MAR 2008

AKERMAN SENTERFITT
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In re Application of NISHIDA et al.
Application No.: 11/568,863
PCT No.: PCT/US05/40917
Int. Filing: 09 November 2005
Priority Date: 09 November 2004
Attorney Docket No.: 5853-564-1
For: METHODS AND ARTICLES INCORPORATING LOCAL STRESS FOR PERFORMANCE IMPROVEMENT OF STRAINED SEMICONDUCTOR DEVICES

: DECISION ON PETITION
: UNDER 37 CFR 1.47(a)

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 19 November 2007, to accept the application without the signature of joint inventor Kehuey Wu. Applicant requests a three month extension of time, which is granted.

BACKGROUND

On 09 November 2006, applicant filed a request for 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 20 June 2007, 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, were required.

On 19 November 2007, applicant filed a declaration of attorney Gregory M Lefkowitz, along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor and a petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requesting the acceptance of the application without the signature of inventor Kehuey Wu, alleging that Mr. Wu refuses to sign or is unavailable to sign the application.

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 submitted the requisite petition fee, satisfying Item (1).

With regard to Item (2), Petitioner has submitted a number of emails as evidence to support a conclusion that the nonsigning inventor refuses to sign or is unavailable.

Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal, states, in pertinent 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.

MPEP Section 409.03(d) further states with regard to an inventor's unavailability:

> 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 in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

(Emphasis added.)

Here, Petitioner has made attempts to contact Mr. Wu only via email, without success. Mr. Lefkowitz's statement is not one of first hand knowledge. A first hand statement of facts is required whenever possible, as set forth in the MPEP section above. The most recent attempt to contact Mr. Wu by email was addressed to variations in the email address. However, Petitioner has not shown the diligent efforts made to locate Mr. Wu using any other method of contact; i.e. postal mailing to his last known address, telephone call to him or his most recent employer, internet searches to locate him.

Petitioner's attempt to contact Mr. Wu using email to his alleged employer is not satisfactory. It is not first hand evidence and does not demonstrate whether Mr. Wu actually received the forwarded email. This is insufficient evidence to conclude that Mr. Wu refuses to sign the application papers.

With regard to Item (3), Petitioner has provided a statement of the nonsigning inventor's last known address.

With respect to Item (4), applicant has provided a two page declaration. The declaration, however, is comprised of four pages: one page marked "Page 1 of 2" and three pages marked "Page 2 of 2", which are executed by different inventors. The declaration appears to be a composite declaration created from the combination of separately executed declarations. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." *See* MPEP 201.03. The declaration is unacceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met.

In sum, Petitioner has satisfied Items (1) and (3) above. However, 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 11/568,863 (specification, including claims, drawings, and declaration)* to the nonsigning inventor for his signature and (2) Mr. Wu's refusal to sign, either in writing or by telephone, these documents. Item (4) is not satisfied.

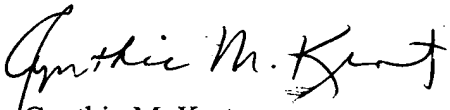
For the reasons set forth above, the evidence submitted does not support a finding that the nonsigning inventor refuses to sign the application at this time. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

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.



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14 JUL 2008

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AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH FL 33402-3188

In re Application of NISHIDA et al.
Application No.: 11/568,863
PCT No.: PCT/US05/40917
Int. Filing: 09 November 2005
Priority Date: 09 November 2004
Attorney Docket No.: 5853-564-1
For: METHODS AND ARTICLES INCORPORATING LOCAL STRESS FOR PERFORMANCE IMPROVEMENT OF STRAINED SEMICONDUCTOR DEVICES

: DECISION ON PETITION
: UNDER 37 CFR 1.47(a)

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 27 May 2008, to accept the application without the signature of joint inventor Kehuey Wu.

BACKGROUND

On 09 November 2006, applicant filed a request for 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 20 June 2007, 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, were required.

On 19 November 2007, applicant filed a declaration of attorney Gregory M Lefkowitz, along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor and a petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requesting the acceptance of the application without the signature of inventor Kehuey Wu, alleging that Mr. Wu refuses to sign or is unavailable to sign the application.

On 27 March 2008, a decision was mailed indicating that applicant had not satisfied the requirements of 37 CFR 1.47(a).

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 Item (1) and (3).

With regard to Item (2), Petitioner has now satisfied Item (2) with the submission of evidence of Petitioner's numerous attempts to contact Mr. Wu. Petitioner contacted the co-inventors and obtained information regarding his current employer. Petitioner verified Mr. Wu's employment and sent emails to his employer's human resources department and directly to Mr. Wu. Petitioner also sent registered letters to Mr. Wu. Petitioner attempted Internet searches. All communications went without reply. This is sufficient evidence to support a conclusion that the nonsigning inventor refuses to sign the application papers. Petitioner has now satisfied Item (2).

However, with respect to Item (4), a close review of the 2-page executed declaration reveals that it is not in compliance with 37 CFR 1.497(a) and (b). The declaration fails to identify all the inventors; specifically, the declaration does not identify nonsigning inventor Wu. Page 2 of the declaration only identifies inventors Nishida, Thompson and Ogden. The declaration must identify all of the inventors as listed in the published international application and must identify their respective citizenship, residency and mailing address. The declaration is unacceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met.

In sum, Petitioner has satisfied Items (1) (2) and (3) 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.

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12 NOV 2008

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In re Application of NISHIDA et al.	:
Application No.: 11/568,863	: DECISION ON
PCT No.: PCT/US05/40917	:
Int. Filing: 09 November 2005	: RENEWED PETITION
Priority Date: 09 November 2004	:
Attorney Docket No.: 5853-564-1	:UNDER 37 CFR 1.47(a)
For: METHODS AND ARTICLES	:
INCORPORATING LOCAL STRESS FOR	:
PERFORMANCE IMPROVEMENT OF	:
STRAINED SEMICONDUCTOR DEVICES	:

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 05 September 2008, to accept the application without the signature of joint inventor Kehuey Wu.

BACKGROUND

The statement of the background of this application was set forth in the decision mailed on 14 July 2008, dismissing the previously filed petition under 37 CFR 1.47(a) on the grounds that the declaration was not in compliance with 37 CFR 1.497(a) and (b).

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 Item (1), (2) and (3).

With respect to Item (4), applicants filed a newly executed declaration that it is in compliance with 37 CFR 1.497(a) and (b). The declaration identifies all the inventors including nonsigning inventor Wu. The declaration identifies all of the inventors as listed in the published international application and their respective citizenship, residency and mailing address. The declaration is acceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have now been met.

In sum, Petitioner has satisfied Items (1) - (4) above.

Accordingly, it is appropriate 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 **GRANTED**.

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(a) application using the declaration filed 05 September 2008. The application has an international filing date of 09 November 2005 under 35 U.S.C. 363, and a date of 05 September 2008 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at their respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

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12 NOV 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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KEHUEY WU
242 FU-AN ROAD, 802
KAOHSIUNG
TAIWAN

In re Application of NISHIDA et al.	:
Application No.: 11/568,863	: DECISION ON
PCT No.: PCT/US05/40917	:
Int. Filing: 09 November 2005	: RENEWED PETITION
Priority Date: 09 November 2004	:
Attorney Docket No.: 5853-564-1	:UNDER 37 CFR 1.47(a)
For: METHODS AND ARTICLES	:
INCORPORATING LOCAL STRESS FOR	:
PERFORMANCE IMPROVEMENT OF	:
STRAINED SEMICONDUCTOR DEVICES	:

Dear Mr. Wu:

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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10 DEC 2007

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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

In re Application of	:	
Alex Hogg	:	
Application No.: 11/568,886	:	DECISION
PCT Application No.: PCT/GB05/01173	:	
Int. Filing Date: 24 March 2005	:	UNDER
Priority Date: 25 March 2004	:	
Atty Docket No.: DEP5875USPCT	:	37 CFR 1.137 (b)
For: REAMER AND METHOD OF REAMING	:	

This communication is issued in response to applicants' "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 09 November 2006.

BACKGROUND

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 25 September 2006. This international application became abandoned with respect to the United States at midnight on 25 September 2006 for failure to pay the required basic national fee.

A review of the application filed indicates that On 09 November 2006, applicant filed, *inter alia*, the basic national fee, the national stage search fee, the examination fee, the declaration, the instant petition under 37 CFR 1.137(b), the petition fee, and a Transmittal letter for entry into the national stage in the United States.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 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. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in § 1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

CONCLUSION

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.

Applicant's claim for priority is acknowledged. The application has an international filing date of 24 March 2005 under 35 U.S.C. 363 and a date of 09 November 2006 under 35 U.S.C. 371(c)(2) and (c)(4).

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Leonard Smith
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Office of PCT Legal Administration

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2 1 NOV 2007

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HUNTINGTON, NY 11743

In re Application of STIERLE et al	:	
U.S. Application No.: 11/568,888	:	
PCT Application No.: PCT/EP2006/050868	:	DECISION
Int. Filing Date: 13 February 2006	:	
Priority Date Claimed: 11 April 2005	:	
Attorney Docket No.: 3771	:	
For: HAND-HELD MACHINE TOOL	:	

This is in response to the declaration filed 09 November 2006, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 13 February 2006, applicant filed international application PCT/EP2006/050868, which claimed priority of an earlier Germany application filed 11 April 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 19 October 2006. The thirty-month period for paying the basic national fee in the United States expired on 11 October 2007.

On 09 November 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and the present request for status under 37 CFR 1.42.

DISCUSSION

37 CFR 1.42 provides, "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."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have

been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 09 November 2006 fails to state one of the citizenship of the deceased inventor as required by 1.497(a)(3) and the citizenship of the legal representative as required by 37 CFR 1.497(b)(2). Applicant is advised that a singular indication of the citizenship in the declaration cannot be used for both purposes.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, 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).

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), which should indicate that the declaration filed 09 November 2006 is defective for the reasons set forth above and because the declaration lacks the signature of the legal representative.

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.

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29 JAN 2008

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In re Application of STIERLE et al	:	
U.S. Application No.: 11/568,888	:	
PCT Application No.: PCT/EP2006/050868	:	DECISION
Int. Filing Date: 13 February 2006	:	
Priority Date Claimed: 11 April 2005	:	
Attorney Docket No.: 3771	:	
For: HAND-HELD MACHINE TOOL	:	

This is in response to the "Renewed Request for Status Under 37 CFR 1.42" filed 21 January 2008, which is also being treated as a petition under 37 CFR 1.47(a).

BACKGROUND

On 13 February 2006, applicant filed international application PCT/EP2006/050868, which claimed priority of an earlier Germany application filed 11 April 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 19 October 2006. The thirty-month period for paying the basic national fee in the United States expired on 11 October 2007.

On 09 November 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and a request for status under 37 CFR 1.42.

On 21 November 2007, this Office mailed a decision dismissing the 09 November 2006 request for status.

On 21 January 2008, applicant filed the present renewed request for status under 37 CFR 1.42 and petition under 37 CFR 1.47(a).

DISCUSSION

I. Renewed Request for Status Under 37 CFR 1.42

The declaration states that joint inventor Markus Heckmann is deceased.

37 CFR 1.42 provides, "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."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

Although the declaration filed 09 November 2006 is in compliance with 37 CFR 1.497(b)(2), the declaration fails to state the citizenship of the deceased inventor as required by 37 CFR 1.497(a)(3). Because 37 CFR 1.497(a)(3) requires that the citizenship of each inventor must be listed on the oath/declaration itself, failure to indicate the citizenship on an inventor on the oath/declaration cannot be cured by affidavit.

II. Petition Under 37 CFR 1.47(a)

The petition states that Kersten Heckmann, the legal representative of deceased inventor Markus Heckmann, refuses to sign the application papers.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, although applicant has submitted a declaration signed by the available inventors, each on his/her own behalf and on behalf of the nonsigning legal representative of the deceased inventor, the declaration is deficient for the reasons set forth in §I above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> 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 nonsigning inventor for signature. 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.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is

> an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> 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 affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, 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 affidavit or declaration.

The petition states that Kersten Heckmann refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Kersten Heckmann for signature (see letter dated 21 February 2007). Furthermore, the petition sufficiently illustrates that Kersten Heckmann refuses to sign. In particular, Kersten Heckmann's failure to respond to the letter dated 21 February 2007 constitutes a constructive refusal to sign. Thus, it can be concluded with reasonable certainty that Kersten Heckmann refuses to sign the application papers.

With regard to item (3) above, the requisite $200.00 petition fee will be charged to Deposit Account No. 19-4675.

With regard to item (4) above, the petition states the last known address of the nonsigning legal representative.

CONCLUSION

For the reasons set forth in §I above, the renewed request for status under 37 CFR 1.42 is DISMISSED without prejudice.

For the reasons set forth in §II above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the request and petition is desired, 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).

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.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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COMMISSIONER FOR PATENTS
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07 MAR 2008

STRIKER, STRIKER & STENBY
103 EAST NECK ROAD
HUNTINGTON, NY 11743

In re Application of STIERLE et al	:	
U.S. Application No.: 11/568,888	:	
PCT Application No.: PCT/EP2006/050868	:	DECISION
Int. Filing Date: 13 February 2006	:	
Priority Date Claimed: 11 April 2005	:	
Attorney Docket No.: 3771	:	
For: HAND-HELD MACHINE TOOL	:	

This is in response to the "Renewed Request for Status Under 37 CFR 1.42 and Petition Under 37 CFR 1.47(a)" filed 03 March 2008.

BACKGROUND

On 13 February 2006, applicant filed international application PCT/EP2006/050868, which claimed priority of an earlier Germany application filed 11 April 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 19 October 2006. The thirty-month period for paying the basic national fee in the United States expired on 11 October 2007.

On 09 November 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and a request for status under 37 CFR 1.42.

On 21 November 2007, this Office mailed a decision dismissing the 09 November 2006 request for status.

On 21 January 2008, applicant filed a renewed request for status under 37 CFR 1.42 and petition under 37 CFR 1.47(a).

On 29 January 2008, this Office mailed a decision dismissing the 21 January 2008 request for status and petition.

On 03 March 2008, applicant filed the present renewed request for status under 37 CFR 1.42 and renewed petition under 37 CFR 1.47(a).

DISCUSSION

I. Renewed Request for Status Under 37 CFR 1.42

The declaration states that joint inventor Markus Heckmann is deceased.

37 CFR 1.42 provides, "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."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed with the present renewed request for status is in compliance with 37 CFR 1.497.

II. Petition Under 37 CFR 1.47(a)

The petition states that Kersten Heckmann, the legal representative of deceased inventor Markus Heckmann, refuses to sign the application papers.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Applicant has previously satisfied items (2), (3), and (4) above.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors, each on his/her own behalf and on behalf of the nonsigning legal representative of the deceased inventor.

CONCLUSION

For the reasons set forth in §I above, the renewed request for status under 37 CFR 1.42 is GRANTED.

For the reasons set forth in §II above, the renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 13 February 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 03 March 2008.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning legal representative of the deceased inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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OFFICE OF PETITIONS

PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

In re Application of :
Brian Philip Allen et al :
Application No. 11/568,889 : DECISION ON PETITION
Filed: April 6, 2007 : TO WITHDRAW
Attorney Docket No. 00486-8002.US00 : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed May 13, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Jennifer A. Camacho does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Irvin Dingle at 571-272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Jennifer A. Camacho
One International Place
Boston, MA 02110

22 JUL 2009

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P.O. Box 1450
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Fox Rothschild, LLP
Elan Pharma International Limited
2000 Market Street
Philadelphia PA 19103

In re Application of:
LIVERSIDGE et al.
Application No.: 11/568,891
PCT No.: PCT/US06/22120
Int. Filing Date: 07 June 2006
Priority Date: 08 June 2005
Attorney Docket No.: P31613 USA
For: MODIFIED RELEASE FAMCICLOVIR COMPOSITIONS

DECISION ON PETITION

This decision is issued in response to applicants' "Petition Under 37 CFR 1.182 to Expunge Wrongly Filed Specification From the File History and Merge Examination Proceeding For U.S. Application Serial Number 11/568,891 and US Application Serial Number 11/908,733, and Request Issuance of a Notice of Acceptance under 35 (sic) U.S.C. 371" filed 12 February 2009.

BACKGROUND

On 07 June 2006, applicants filed international application PCT/US2006/022120 which claimed a priority date of 08 June 2006. 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 December 2007.

On 09 November 2006, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee. Applicants did not indicate "an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Article 22 and 39(1)." The submission was assigned U.S. application number 11/568,891.

The application file was initiated in the USPTO PALM system as a U.S. national of PCT/US2006/022120, the international application number set forth in the bibliographical data provided by applicants when filing the electronic application.

The materials filed 09 November 2006 included an application data sheet, a preliminary amendment; and a specification, claims, abstract, and drawings for an application titled Modified Release Loxoprofen Composition. Additionally, the application data sheet and preliminary amendment identified the application as a U.S. national stage of PCT/US20006/017938, filed 30 June 2006.

On 10 November 2006, applicants filed electronically an additional fee payment of $1400.

On 14 September 2007, applicants filed electronically an application data sheet; a fee payment of $1700; a preliminary amendment; and a specification, claims, abstract, and drawings for an application titled Modified Release Famciclovir Compositions. These papers were assigned U.S. application number 11/908,733. However, at the time of filing, applicants received a warning (error) message which stated "a national stage application under the PCT number (PCT/US2006/022120) was already filed." The submission was assigned U.S. application number 11/908,733. (The application was not viewable in USPTO's PALM system due to the error message.)

On 12 February 2009, applicants filed "Petition Under 37 CFR 1.182 to Expunge Wrongly Filed Specification From the File History and Merge Examination Proceeding For U.S. Application Serial Number 11/568,891 and US Application Serial Number 11/908,733, and Request Issuance of a Notice of Acceptance under 35 (sic) U.S.C. 371."

DISCUSSION

Merging of Applications nos. 11/568,891 and 11/908,733

As is evident from the above-recited facts, counsel has submitted two sets of papers to enter the national stage under 35 U.S.C. 371 for PCT/US2006/022120 (U.S. application numbers 11/568,891 and 11/908,733). The end result for an international application designating the United States is a single U.S. national stage application (see, 35 U.S.C. 363). Therefore, the submission of two sets of national stage papers to enter the United States was improper.

The materials assigned U.S. application number 11/568,891 were the first of the two filings to be processed by the USPTO, and such submission included the required basic national fee. Accordingly, U.S. application number 11/568,891 is the application file that will continue to be processed as the national stage of PCT/US2006/022120. The materials filed 14 September 2007 and assigned U.S. application number 11/908,733 will be placed in application file 11/568,891, and U.S. application number 11/908,733 will be discontinued.

Expunging of Documents titled Modified Release Loxoprofen Composition

Petitioner requests the Office expunge all wrongfully filed documents titled "Modified Release Loxoprofen Composition" from the image file wrapper. Applicants should note that any request to remove papers from the application file is by way of a petition

under 37 CFR 1.59(b) to expunge information in the application file. (See also Section 724.05 of the Manual of Patent Examining Procedure.) 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:

> (1) the Office can effect such return prior to the issuance of any patent on the application in issue;
>
> (2) 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;
>
> (3) the information has not otherwise been made public;
>
> (4) 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;
>
> (5) 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
>
> (6) the petition fee as set forth in 37 CFR 1.17(g) is included.

Here, applicants have submitted items (1), (3) - (6). The petition fee will be charged to applicants' Deposit Account no. 50-1943, per authorization provided on the Electronic Acknowledgement Receipt. However, as to item (2), applicants have not 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. Therefore, the petition to expunge cannot be granted at this time.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to merge application nos. 11/568,891 and 11/908,733 is **GRANTED**.

The petition to expunge under 37 CFR 1.59 is **DISMISSED** without prejudice.

Application no. 11/568,891 is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing to: (1) merge the papers filed in U.S. Application no. 11/908,733 into U.S. Application no. 11/568,891; (2) refund any filing fees paid in connection with the application number 11/908,733 to the appropriate deposit account (or credit card); and (3) issue a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration along with the $130 surcharge for filing the oath or declaration after the thirty-month period is required.

Applicants should use application number 11/568,891 in all future communications with the Patent and Trademark Office in regards to the U.S. national stage of international application PCT/US2006/022120.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

- 3 FEB 2010

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Fox Rothschild, LLP
Elan Pharma International Limited
2000 Market Street
Philadelphia PA 19103

In re Application of:
LIVERSIDGE et al.
Application No.: 11/568,891
PCT No.: PCT/US2006/022120
Int. Filing Date: 07 June 2006
Priority Date: 08 June 2005
Attorney Docket No.: P31613 USA
For: MODIFIED RELEASE FAMCICLOVIR COMPOSITIONS

DECISION ON PETITION

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 15 January 2010 to accept the application without the signature of joint-inventor, Paul Stark.

BACKGROUND

On 07 June 2006, applicants filed international application PCT/US2006/022120 which claimed a priority date of 08 June 2006. 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 December 2007.

On 09 November 2006, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee; a copy of the international application; and an application data sheet.

On 15 September 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 15 January 2010, applicants filed the present petition under 37 CFR 1.47(a) and two-month extension of time.

DISCUSSION

Applicants claim that co-inventor Paul Stark refuses to cooperate in the above-captioned application.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (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 behalf of the nonsigning joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. 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."

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application (along with several others) was sent to the last known address of the nonsigning inventor on 12 March 2009 via Federal Express. The documents provided to Mr. Stark included instructions that the sign and return the declaration, or sign a statement of facts provided. Further, the subject petition noted that the documents were delivered on 02 April 2009. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("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 available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by five of the six inventors and including an unsigned signature box identifying the nonsigning inventor (Paul Stark). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is appropriate to accept the application without the signature of Paul Stark under 37 CFR 1.47(a) at this time.

CONCLUSION

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 nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

- 3 FEB 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mr. Paul Stark
Personbrook
Glasson, County Westmeath
Ireland

In re Application of:
LIVERSIDGE et al.
Application No.: 11/568,891
PCT No.: PCT/US2006/022120
Int. Filing Date: 07 June 2006
Priority Date: 08 June 2005
Attorney Docket No.: P31613 USA
For: MODIFIED RELEASE FAMCICLOVIR COMPOSITIONS

Dear Paul Stark:

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.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

Counsel of Record:
Fox Rothschild, LLP
Elan Pharma International Limited
2000 Market Street
Philadelphia PA 19103

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OFFICE OF PETITIONS

FISH & ASSOCIATES, PC
ROBERT D. FISH
2603 MAIN STREET
SUITE 1000
Irvine CA 92614-6232

In re Application of	:	
MECHAM, Lorrie	:	
Application No. 11/568,933	:	DECISION ON PETITION
Filed: August 01, 2007	:	TO WITHDRAW
Attorney Docket No. **101290.0001US2**	:	FROM RECORD
	:	

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 17, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Robert D. Fish on behalf of all attorneys of record who are associated with customer No. 24392. All attorneys/agents associated with the Customer Number 24392 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 or the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **LORRIE MECHAM**
871 NE TANGER STREET
MOUNTAIN HOME ID 83647

cc: **LORRIE MECHAM C/O ANDREW PARNES**
P.O. BOX 5988
KETCHUM ID 83340

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0 3 AUG 2007

W. Schott Harders
Benesch, Friedlander, Coplan & Aronoff LLP
200 Public Square, 2300 BP Tower
Cleveland, OH 44114

In re Application of	:	
Annapragada, et al.	:	
Serial No.: 11/568,936	:	DECISION ON
PCT No.: PCT/US2005/000876	:	PETITION
Int. Filing Date: 12 January 2005	:	UNDER 37 CFR 1.137(b)
Priority Date: 21 April 2004	:	
Attorney's Docket No.: 27428-12	:	
For: COMPOSTIONS AND METHODS FOR ENHANCING CONTRAST IN IMAGING	:	

This decision is responsive to the "PETITION FOR REVIVIAL OF AN APPLICATION ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)" filed 10 November 2006.

BACKGROUND

On 12 January 2005, applicants filed international application PCT/US2005/000876, which claimed priority of an earlier United States application filed 21 April 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 17 November 2005. Accordingly, the thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 23 October 2006 (21 October 2006 being a Saturday).

On 10 November 2006, applicant filed a copy of the application, the current petition and petition fee, and the basic national fee, the search fee and the examination fee. These papers were assigned U.S. Serial No. 10/568,936,

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied (1) by 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," (2) by a proper reply, (3) by the petition fee required by law (37 CFR 1.17(m)), and (4) if the international filing date of the application is before June 8, 1995, any petition to revive under 37 CFR 1.137(b) must be accompanied by a terminal disclaimer and small entity fee of $55

With respect to element (1), applicants have provided the required statement. With respect to element (2), applicants provided a proper response in that applicants provided authorization to charge their credit card to pay the basic national fee on 10 November 2006. With respect to element (3) applicants paid the petition fee on 23 May 2005. Therefore, the petition to revive is GRANTED.

CONCLUSION

The petition 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 national stage office for preparation of 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) indicating that applicant is required to furnish a signed declaration of inventors.

Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Tel: (571) 272-3280
Fax: (571) 273-0459

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

28 AUG 2009

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Sterne, Kessler, Goldstein & Fox P.L.L.C.
1100 New York Avenue, N.W.
Washington, D.C. 20005

In re Application of:
RODEKOHR, et al.
Application No.: 11/568,941
PCT No.: PCT/EP2005/004711
Int. Filing: 30 March 2005
Priority Date: 13 May 2004
Attorney Docket No.: 2400.1240000/RWE/L-Z
For: METHOD OF IMPROVING PLANT GROWTH

DECISION ON PETITION
UNDER 37 CFR 1.181

This decision is issued in response to applicants' "Request for Reconsideration of Holding of Abandonment" filed on 26 May 2009, which is treated herein as a petition under 37 CFR 1.181 to withdraw the holding of abandonment. No petition fee is required.

BACKGROUND

On 10 November 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 05 October 2007, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 07 November 2007, applicants filed a combined declaration and power of attorney.

On 13 March 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Defective Response" indicating that the declaration filed by applicants on 07 November 2007 was defective because it did not correspond to the inventors of record in the international application. Further, the declaration identified an incorrect international application number and title of invention.

On 31 March 2009, applicants filed a combined declaration and power of attorney executed by: Diana Rodekohr; Uwe Priesnitz; Frank Rosenfeldt; and Bernd Springer.

On 12 May 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Abandonment indicating that the application was abandoned for failure to file a response to the Notification of Missing Requirements mailed 05 October 2007 within the time period set therein. (The declaration submitted on 31 March 2009 included an inventor (Bernd Springer) not listed on the international application.)

On 26 May 2009, applicants filed "Request for Reconsideration of Holding of Abandonment."

DISCUSSION

Applicants aver that the above-identified application was abandoned in error, in that, the declaration submitted on 31 March 2009 was in compliance with 37 CFR 1.497(a)-(b). Further, applicants state that Bernd Springer was added to the international application under PCT Rule 92bis. (A copy of the Notification of the Recording of a Change (Form PCT/IB/306) mailed 12 December 2006 has been included with the present petition.) Applicants' assertion is correct. It appears that the Notification Of Abandonment (Form PCT/DO/EO/909) mailed 12 May 2009 was mailed before the Form PCT/IB/306 had been matched to the application file. The Form PCT/IB/306 makes clear that Bernd Springer has been added as applicant/inventor on this application with respect to the United States. Therefore, the declaration filed by applicants on 31 March 2009 (executed by Diana Rodekohr; Uwe Priesnitz; Frank Rosenfeldt; and Bernd Springer) complies with 37 CFR 1.497 and the holding of Abandonment is withdrawn.

CONCLUSION

For the reasons above, the request is **GRANTED**. The holding of Abandonment is withdrawn.

The Notification Of Abandonment (Form PCT/DO/EO/909) mailed on 12 May 2009, based on the purported failure of the declaration filed 31 March 2009 to identify the inventors of record, is therefore appropriately **VACATED**.

This application is being referred to the DO/EO/US for further processing in accordance with this communication. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 31 March 2009.

Anthony Smith
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Mail Date: 05/07/2010

Applicant	: Otto Schneider	: DECISION ON REQUEST FOR
Patent Number	: 7619010	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/568,943	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **164** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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222 East 41st Street
New York, NY 10017-6702

In re Application of:	:	
GOGOLEWSKI, Sylwester	:	DECISION ON PETITION UNDER
U.S. Application No.: 11/568,954	:	37 CFR 1.47(b)
PCT No.: PCT/CH2004/000290	:	
International Filing Date: 13 May 2004	:	
Priority Date: None	:	
Attorney's Docket No.: 8932-1292-999	:	
For: RESORBABLE POLYMERIC MEDICAL GOODS WITH IMPROVED MECHANICAL PROPERTIES AND METHOD FOR PRODUCING SAME	:	

This decision is issued in response to the "Rule 1.47(a) Petition To File Application By Other Than All The Inventors" filed 17 October 2007, treated herein as a petition under 37 CFR 1.47(b) for acceptance of the application without the signature of the sole inventor. The required petition fee of $200 has been paid.

BACKGROUND

On 13 May 2004, applicant filed international application PCT/CH2004/000290. The application did not claim an earlier priority date, and it designated the United States. On 24 November 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 international filing date, i.e., 13 November 2006.

On 10 November 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 18 April 2007, 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 17 October 2007, petitioner filed a response to the Notification Of Missing Requirements (with required extension fee). The response included payment of the required

surcharge, as well as 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.

It is noted that the petition refers to 37 CFR 1.47(a), which applies to acceptance of an application with the signature of some, but not all, of the inventors. Where, as here, "all the inventors refuse to execute an application," the applicable regulation is 37 CFR 1.47(b). The petition has therefore been treated under 37 CFR 1.47(b).

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 complete application papers (including the specification, claims, and drawings) 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." Here, petitioner has provided copies of email communications apparently involving attempts to obtain the signature of the non-signing inventor. However, petitioner has not provided a firsthand statement from any of the persons involved in this correspondence (i.e., Christoph Notzli, Regina Brun, and Ann W. Chen), as necessary to confirm and clarify the context of the correspondence and the contents of any attachments thereto. Without clarifying firsthand statements, the email messages provided do not support a conclusion that the inventor has refused to execute the present application (for example, the only correspondence provided from the inventor himself specifically refers to a different U.S national stage application). Petitioner has also not provided the required firsthand statement (with documentary support) confirming that a request for signature, accompanied by a copy of the complete application papers, has been forwarded to the non-signing at his last known address, as required before a refusal to sign can be presumed. Based on the above, item (2) is not 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 does not include an oath or 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 not satisfied.

Regarding item (5), section 409.03(f) of the MPEP states the following:

> 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.

Here, it appears that the 37 CFR 1.47(b) applicant is Synthes U.S.A. (Synthes), and that the assertion of proprietary interest is based on a written agreement to assign (i.e., an employment agreement) between the inventor and AO Research Institute (AO) and a second agreement (i.e., a collaboration agreement) between AO and Synthes.

Section 409.03(f) of the MPEP states the following with respect to situations where, as here, an assertion of proprietary interest is based on a written employment agreement (emphasis added):

> 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 provided a copy of an employment agreement between the inventor and AO relied upon. However, petitioner has not provided a statement of a person having firsthand knowledge of the facts confirming that the inventor made the invention during the course of his employment with AO and that the present invention therefore falls within the scope of the agreement. Petitioner therefore has not provided an adequate showing that the inventor was obligated to assign the present invention to AO. In addition, petitioner has failed to provide a copy of the collaboration agreement whereby Synthes purportedly acquired any rights in the application which were owned by AO, and any additional firsthand evidence or legal memoranda required to demonstrate that such agreement serves to transfer any interest AO has in the present

application to Synthes (see MPEP section 409.03(f) regarding the requirements for demonstrating a proprietary interest where an assignment or an agreement to assign is not present).

Based on the above, petitioner has not provided an adequate showing of proprietary interest in the present application. Item (5) is therefore not satisfied on the present record.

Regarding item (6), the petition does not include 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 not satisfied.

Based on the above, petitioner has failed to satisfy all the requirements for a grantable petition.

In addition, it is noted that above-named counsel of record did not file the present petition. Rather, a different attorney filed the petition, along with a "Notification Of Change Of Correspondence Address" seeking to change the correspondence address of record. However, petitioner has not provided a power of attorney from the assignee appointing such attorney to act herein (or a proper statement under 37 CFR 3.73(b)). Accordingly, the request to change the correspondence address herein is not effective on the present record. A courtesy copy of the present decision will be mailed to petitioner; however, all further correspondence herein will continue to be directed to above-named counsel until an acceptable change of correspondence address is provided.

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 items (2), (4), (5), and (6) 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).

A courtesy copy of this decision will be mailed to the address listed on the present petition; however, as discussed above, until an appointment of counsel and a properly supported statement under 37 CFR 3.73(b) is submitted, petitioner's previously filed request to change the correspondence address of record cannot be granted. The correspondence address of record herein therefore remains the address listed above.

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.

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In re Application of:
GOGOLEWSKI, Sylwester
U.S. Application No.: 11/568,954
PCT No.: PCT/CH2004/000290
International Filing Date: 13 May 2004
Priority Date: None
Attorney's Docket No.: 8932-1292-999
For: RESORBABLE POLYMERIC MEDICAL GOODS WITH IMPROVED MECHANICAL PROPERTIES AND METHOD FOR PRODUCING SAME

DECISION ON PETITION UNDER 37 CFR 1.47(b)

This decision is issued in response to the "Rule 1.47(a) Petition To File Application By Other Than All The Inventors" filed 17 October 2007, treated herein as a petition under 37 CFR 1.47(b) for acceptance of the application without the signature of the sole inventor. The required petition fee of $200 has been paid.

BACKGROUND

On 13 May 2004, applicant filed international application PCT/CH2004/000290. The application did not claim an earlier priority date, and it designated the United States. On 24 November 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 international filing date, i.e., 13 November 2006.

On 10 November 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 18 April 2007, 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 17 October 2007, petitioner filed a response to the Notification Of Missing Requirements (with required extension fee). The response included payment of the required

surcharge, as well as 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.

It is noted that the petition refers to 37 CFR 1.47(a), which applies to acceptance of an application with the signature of some, but not all, of the inventors. Where, as here, "all the inventors refuse to execute an application," the applicable regulation is 37 CFR 1.47(b). The petition has therefore been treated under 37 CFR 1.47(b).

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 complete application papers (including the specification, claims, and drawings) 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." Here, petitioner has provided copies of email communications apparently involving attempts to obtain the signature of the non-signing inventor. However, petitioner has not provided a firsthand statement from any of the persons involved in this correspondence (i.e., Christoph Notzli, Regina Brun, and Ann W. Chen), as necessary to confirm and clarify the context of the correspondence and the contents of any attachments thereto. Without clarifying firsthand statements, the email messages provided do not support a conclusion that the inventor has refused to execute the present application (for example, the only correspondence provided from the inventor himself specifically refers to a different U.S national stage application). Petitioner has also not provided the required firsthand statement (with documentary support) confirming that a request for signature, accompanied by a copy of the complete application papers, has been forwarded to the non-signing at his last known address, as required before a refusal to sign can be presumed. Based on the above, item (2) is not 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 does not include an oath or 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 not satisfied.

Regarding item (5), section 409.03(f) of the MPEP states the following:

> 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.

Here, it appears that the 37 CFR 1.47(b) applicant is Synthes U.S.A. (Synthes), and that the assertion of proprietary interest is based on a written agreement to assign (i.e., an employment agreement) between the inventor and AO Research Institute (AO) and a second agreement (i.e., a collaboration agreement) between AO and Synthes.

Section 409.03(f) of the MPEP states the following with respect to situations where, as here, an assertion of proprietary interest is based on a written employment agreement (emphasis added):

> 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 provided a copy of an employment agreement between the inventor and AO relied upon. However, petitioner has not provided a statement of a person having firsthand knowledge of the facts confirming that the inventor made the invention during the course of his employment with AO and that the present invention therefore falls within the scope of the agreement. Petitioner therefore has not provided an adequate showing that the inventor was obligated to assign the present invention to AO. In addition, petitioner has failed to provide a copy of the collaboration agreement whereby Synthes purportedly acquired any rights in the application which were owned by AO, and any additional firsthand evidence or legal memoranda required to demonstrate that such agreement serves to transfer any interest AO has in the present

application to Synthes (see MPEP section 409.03(f) regarding the requirements for demonstrating a proprietary interest where an assignment or an agreement to assign is not present).

Based on the above, petitioner has not provided an adequate showing of proprietary interest in the present application. Item (5) is therefore not satisfied on the present record.

Regarding item (6), the petition does not include 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 not satisfied.

Based on the above, petitioner has failed to satisfy all the requirements for a grantable petition.

In addition, it is noted that above-named counsel of record did not file the present petition. Rather, a different attorney filed the petition, along with a "Notification Of Change Of Correspondence Address" seeking to change the correspondence address of record. However, petitioner has not provided a power of attorney from the assignee appointing such attorney to act herein (or a proper statement under 37 CFR 3.73(b)). Accordingly, the request to change the correspondence address herein is not effective on the present record. A courtesy copy of the present decision will be mailed to petitioner; however, all further correspondence herein will continue to be directed to above-named counsel until an acceptable change of correspondence address is provided.

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 items (2), (4), (5), and (6) 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).

A courtesy copy of this decision will be mailed to the address listed on the present petition; however, as discussed above, until an appointment of counsel and a properly supported statement under 37 CFR 3.73(b) is submitted, petitioner's previously filed request to change the correspondence address of record cannot be granted. The correspondence address of record herein therefore remains the address listed above.

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.

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In re Application of:	:	
GOGOLEWSKI, Sylwester	:	DECISION ON RENEWED
U.S. Application No.: 11/568,954	:	PETITION UNDER
PCT No.: PCT/CH2004/000290	:	37 CFR 1.47(b)
International Filing Date: 13 May 2004	:	
Priority Date: None	:	
Attorney's Docket No.: 8932-1292-999	:	
For: RESORBABLE POLYMERIC MEDICAL GOODS WITH IMPROVED MECHANICAL PROPERTIES AND METHOD FOR PRODUCING SAME	:	

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.47(b)" filed 25 January 2008. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed herein on 21 November 2007. The decision dismissed applicant's petition under 37 CFR 1.47(b) for failure to satisfy all the requirements of a grantable petition.

On 25 January 2008, petitioner filed the renewed petition considered herein.[1]

DISCUSSION

The previous decision indicated that applicants had failed to provide the following requirements of a grantable petition under 37 CFR 1.47(b): (a) an adequate showing that the inventor refuses to execute the application or cannot be reached after diligent effort; (b) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor; (c) proof of proprietary interest in the application: and (d) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages.

With respect to the showing that the inventor has refused to execute the application, the renewed petition includes firsthand statements from Christoph Notzli and Regina Brun regarding

[1] The renewed petition, as with the original petition, was not filed by above-named counsel. However, because an acceptable change of correspondence address has not been submitted herein, this decision is being directed solely to the above-listed correspondence address of record.

their email correspondence with the non-signing inventor. Ms. Brun's statement confirms that, on 28 November 2006, she forwarded a request for signature (with a copy of the declaration and assignment) to the non-signing inventor by email, and that the inventor responded on 29 November 2006 by indicating he would not return the executed declaration. Ms. Brun also made an additional request, by email, in June 2007, to which there was no reply. However, none of Ms. Brun's requests for signature were accompanied by a copy of the complete application, as required. Mr. Notzli's statement confirms that, in January and February 2007, Mr. Notzli forwarded to the inventor by email two requests for signature. These requests were accompanied by copies of the complete application; however, the inventor did not respond to these emails, and there is no evidence that these emails were received by the inventor. Moreover, applicants have not provided a firsthand statement (with documentary support) confirming that a request for signature, accompanied by a copy of the complete application papers, has been forwarded to the non-signing at his last known address, as required before a refusal to sign can be presumed. Based on the above, the renewed petition again fails to provide an adequate showing that the inventor has refused to execute the application.

Regarding the declaration requirement, petitioner has submitted an unsigned declaration "in accordance with M.P.E.P. § 409.03(a)." However, MPEP section 409.03(a) applies only where at least one of the inventors has signed the declaration. Where, as here, none of the inventors have signed the declaration, a declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor must be provided. See MPEP section 409.03(b). Petitioner has not provided an executed declaration in compliance with this section. Accordingly, the declaration requirement of a grantable petition under 37 CFR 1.47(b) remains unsatisfied.

Regarding the showing of proprietary interest, the previous decision, citing the MPEP, indicated that petitioner was required to provide: (1) "statement of a person having firsthand knowledge of the facts confirming that the inventor made the invention during the course of his employment with AO and that the present invention therefore falls within the scope of the [employment] agreement;" and (2) "a copy of the collaboration agreement whereby Synthes purportedly acquired any rights in the application which were owned by AO, and any additional firsthand evidence or legal memoranda required to demonstrate that such agreement serves to transfer any interest AO has in the present application to Synthes." The renewed petition includes a copy of an assignment of the present application from AO to Synthes, and a statement from Troy Svihl, an attorney for Synthes. These materials provide an adequate showing of a transfer from AO to Synthes of any interest in the present application held by AO. However, petitioner has not provided the required firsthand statement confirming that the invention underlying the present application was made by the inventor during the course of his employment with AO. Absent such statement, it cannot be confirmed on the present record that AO had an interest in the present application that was subject to transfer to Synthes. Accordingly, petitioner has not provided an adequate showing that the 37 CFR 1.47(b) applicant has the required proprietary interest in the application. This element of a grantable petition remains unsatisfied.

The renewed petition includes a statement that petitioner will be irreparably damaged if this petition is not granted, satisfying this element of a grantable petition.

Based on the above, the renewed petition does not satisfy all the outstanding requirements for a grantable petition under 37 CFR 1.47(b). Specifically, applicants have still not provided: an adequate showing that the inventor has refused to execute the application or cannot be located after diligent effort; a declaration executed by the 37 CFR 1.47(b) applicant; and an adequate showing of the 37 CFR 1.47(b) applicant's proprietary interest in the application. The renewed petition is therefore appropriately dismissed.

CONCLUSION

The renewed 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 "Second Renewed Petition Under 37 CFR 1.47(b)" and must include the materials required to satisfy the outstanding elements 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.

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In re Application of:	
GOGOLEWSKI, Sylwester	DECISION ON RENEWED
U.S. Application No.: 11/568,954	PETITION UNDER
PCT No.: PCT/CH2004/000290	37 CFR 1.47(b)
International Filing Date: 13 May 2004	
Priority Date: None	
Attorney's Docket No.: 8932-1292-999	
For: RESORBABLE POLYMERIC MEDICAL GOODS WITH IMPROVED MECHANICAL PROPERTIES AND METHOD FOR PRODUCING SAME	

This decision is issued in response to the "Second Renewed Petition Under 37 CFR 1.47(b)" filed 27 June 2008. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed herein on 21 November 2007 and 08 May 2008. The decisions dismissed the petition under 37 CFR 1.47(b) and the first renewed petition for failure to satisfy all the requirements of a grantable petition.

On 27 June 2008, petitioner filed the second renewed petition considered herein.

DISCUSSION

The previous decision indicated that applicants had failed to provide the following requirements of a grantable petition under 37 CFR 1.47(b): (a) an adequate showing that the inventor refuses to execute the application or cannot be reached after diligent effort; (b) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor; and (c) proof of proprietary interest in the application.

With respect to the showing that the inventor has refused to execute the application, the renewed petition includes additional materials, including a copy of an email from the non-signing inventor dated 22 June 2007 in which the inventor refuses to provide required documents for his old patent applications absent additional payment. The non-signing inventor's email address for this message is the same as that to which petitioner had previously directed its

signature requests, including those from Christoph Notzli which included attached copies of the complete application. The present submission, in combination with the previously submitted materials, provides an acceptable showing that the non-signing inventor has refused to execute the application. This element of a grantable petition is now satisfied.

Regarding the declaration requirement, petitioner has now submitted a declaration executed on behalf of the non-signing inventor by 37 CFR 1.47(b) applicant Synthes. The declaration was executed by Troy Svihl, Patent Counsel of Synthes, and petitioner has provided a separate declaration from Mr. Svihl confirming that he is authorized to act on behalf of the 37 CFR 1.47(b) applicant. This submission satisfies the declaration requirement of a grantable petition.

Regarding the showing of proprietary interest, the present submission includes the required firsthand statements confirming that the invention underlying the present application was made by the inventor during the course of his employment with AO Research Institute, which later transferred its rights to Synthes. These materials, in combination with those previously submitted, provides an acceptable showing that 37 CFR 1.47(b) applicant Synthes has the required proprietary interest in this application. This final element of a grantable petition is therefore satisfied.

Based on the above, petitioner has now satisfied all the requirements for a grantable petition under 37 CFR 1.47(b).

CONCLUSION

Applicant's second renewed petition under 37 CFR 1.47(b) is **GRANTED**.

The application is accepted without the signature of non-signing inventor Sylwester GOGOLEWSKI.

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 27 June 2008.

Richard M. Ross
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UNITED STATES PATENT AND TRADEMARK OFFICE

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Sylwester GOGOLEWSKI
Laerchenring 10
Davos Platz
SWITZERLAND CH-7270

In re Application of: GOGOLEWSKI, Sylwester
U.S. Application No.: 11/568,954
PCT No.: PCT/CH2004/000290
International Filing Date: 13 May 2004
Priority Date: None
Attorney's Docket No.: 8932-1292-999
For: RESORBABLE POLYMERIC MEDICAL GOODS WITH IMPROVED MECHANICAL PROPERTIES AND METHOD FOR PRODUCING SAME

Dear Mr. GOGOLEWSKI:

You are identified as an 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 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
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Counsel Of Record:
JANAL M. KALIS
SCHWEGMAN, LUNDBERG & WOESSNER / SYNTHES
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Mail Date: 04/20/2010

Applicant	: Masahiko Kobayashi	: DECISION ON REQUEST FOR
Patent Number	: 7666016	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/568,956	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **210** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

COPY MAILED

JAN 25 2010

In re Application.	:	
Vasel et al.	:	DECISION ON PETITION
Application No. 11/568.968	:	TO WITHDRAW
Filed: November 10, 2006	:	FROM RECORD
Attorney Docket No. 86799 7304	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed November 2, 2009, 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 Fitch Even Tabin & Flannery was never appointed power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The application is currently abandoned for failure to respond to the Office action mailed May 26, 2009.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record until proper instructions have been received.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

13 MAR 2007

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COMMISSIONER FOR PATENTS
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Melvin C. Garner
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257

In re Application of	:	DECISION ON
Albert et al	:	
Application No.: 11/569,001	:	
PCT No.: PCT/EP05/050981	:	
Int. Filing Date: 04 March 2005	:	PETITION
Priority Date: 25 May 2004	:	
Attorney's Docket No.: 20964	:	
For: APPARATUS FOR PROVIDING A PATTERN OF POLARIZATION	:	UNDER 37 CFR 1.182

This decision is in response to the "PETITION UNDER CFR 1.182" filed on 20 December 2006, to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/EP05/050981. Petitioner has been charged the petition fee of $400.00 to the Deposit Account No.: 04-0100.

BACKGROUND

On 04 March 2005, this international application was electronically filed, claiming an earliest priority date of 25 May 2004. However, the incorrect PCT number was submitted at the time of filing.

On 13 November 2006, applicants 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 as required by 35 U.S.C. 371 (c)(1). However, no oath or declaration of the inventors accompanied the electronic filing.

On 20 December 2006, petitioner filed a petition under 37 CRF 1.182 stating that at the time of electronically filing the application, the priority number was unintentionally entered as PCT/EP05/20981 due to a data entry during filing and that the correct number is PCT/EP05/050981.

DISCUSSION

Petitioner states that the PCT number was unintentionally entered as PCT/EP05/20981 rather than the correct number PCT/EP05/050981.

Although applicants entered the incorrect PCT serial number at the time of electronically filing the application, the correct PCT number PCT/EP05/050981 was placed in the transmittal letter, and in the Application Data Sheet. Accordingly, there is sufficient evidence that the correct international application PCT number is PCT/EP05/20981.

Therefore, petition to accept the correct PCT number of PCT/EP02/050981 for the instant application is granted, and will be reflected in the filing receipt.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

03/13/2007 SBASHEIR 00000002 040100 11569001
01 FC:1462 400.00 DA

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GORDON & JACOBSON, P.C.
60 LONG RIDGE ROAD
SUITE 407
STAMFORD CT 06902

In re Application of :
GAUDET, et al. :
Serial No.: 11/569,017 :
PCT No.: PCT/CA05/00731 : DECISION ON PETITION
Int. Filing Date: 13 May 2005 :
Priority Date: 14 May 2004 : UNDER 37 CFR 1.47(a)
Atty Docket No.: SAB-032 :
For: METHOD AND APPARATUS FOR DIGIT- :
SERIAL COMMUNICATIONS FOR ITERATIVE :
DIGITAL PROCESSING ALGORITHMS :

This decision is in response to applicant's "PETITION UNDER 37 C.F.R. 1.47(a)" filed 15 May 2008 to accept the application without the signature of joint inventor Paul Andrew Goud.

BACKGROUND

On 13 May 2005, applicant filed international application PCT/CA05/00731 which claimed priority to a previous application filed 14 May 2004. A copy of the international application was transmitted to the United States on 24 November 2005. 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, 14 November 2006.

On 13 November 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) and an unsigned declaration of the inventors.

On 15 November 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 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. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 15 May 2008, applicant filed a response including the present petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor Paul Andrew Goud accompanied by a petition for a four-month extension of time. With the filing of the petition for a four-month extension of time and payment of the appropriate extension of time fee, the present

response is considered timely filed.

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 missing joint investor 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. Applicant has satisfied items 1 and 3.

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal:

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.

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

In the present case applicant has included a declaration from Ms. Darlene Kramps to support the contention that the inventor could not be located after diligent effort. Ms. Kramps indicates that she did perform a google search on Mr. Goud. However, it appears from the declaration that this merely resulted in her contacting Mr. Goud's former employer. It does not appear that Ms. Kramps performed an internet people search in an attempt to locate a current address for Mr. Goud. In addition, the results of the google search have not been submitted.

Regarding item (4), the declaration filed 15 May 2008 does not comply with 37 CFR 1.497 (a)-(b).

Specifically, MPEP Section 201.03 states 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.

The filed declaration contains two pages "3 of 5" and two pages "4 of 5." This suggests that either the filed declaration was compiled from numerous declarations or that the inventors

only returned their signature pages. Either scenario renders the document non-compliant.

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(a) 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(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 directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294
Fax: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

2 3 JUL 2008

Commissioner for Patents
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GORDON & JACOBSON, P.C.
60 LONG RIDGE ROAD
SUITE 407
STAMFORD CT 06902

In re Application of :
GAUDET, et al. :
Serial No.: 11/569,017 :
PCT No.: PCT/CA05/00731 : DECISION ON PETITION
Int. Filing Date: 13 May 2005 :
Priority Date: 14 May 2004 : UNDER 37 CFR 1.47(a)
Atty Docket No.: SAB-032 :
For: METHOD AND APPARATUS FOR DIGIT-SERIAL COMMUNICATIONS FOR ITERATIVE DIGITAL PROCESSING ALGORITHMS :

This decision is in response to applicant's "RENEWED PETITION UNDER 37 C.F.R. 1.47(a)" filed 10 July 2008 to accept the application without the signature of joint inventor Paul Andrew Goud.

BACKGROUND

On 20 May 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a) to accept the application without an executed declaration of inventor Paul Andrew Goud. Applicant was accorded two months to a request for reconsideration including either: 1) an oath or declaration in compliance with 37 CFR 1.497 (a)-(b) signed by the inventor or 2) a renewed petition satisfying all requirements under 37 CFR 1.47(a).

On 10 July 2008, applicant filed the response discussed herein.

DISCUSSION

The renewed petition under 37 CFR 1.47(a) is moot since applicant has presently filed declarations which are compliant with 37 CFR 1.497(a), including a declaration which has been executed by the previous non-signing inventor, Paul Andrew Goud.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

The application has an international filing date of 13 May 2005 and will be given a date

of **10 July 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
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Office of PCT Legal Administration
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Fax: 571-273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
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WARNER, NORCROSS & JUDD
IN RE: ALTICOR INC.
INTELLECTUAL PROPERTY GROUP
111 LYON STREET, N. W. STE 900
GRAND RAPIDS, MI 49503-2489

Mail Date: 04/21/2010

Applicant	: Michael Craig Stevens	: DECISION ON REQUEST FOR
Patent Number	: 7605496	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/569,035	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **162** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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RUTAN & TUCKER, LLP.
611 ANTON BLVD, SUITE 1400
COSTA MESA, CA 92626

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NOV 10 2008

In re Application of :

SUTIKNO, Tek :
Application No. 11/569,042 : DECISION ON PETITION TO
Filed: August 10, 2007 : WITHDRAW FROM RECORD
Attorney Docket No. **101325.0224US** :

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 12, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Todd W. Wight 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: **TEK SUTIKNO**
4723 MASON COURT
SUGARLAND, TX 77479

cc: **ROBERT FISH**
FISH & ASSOCIATES PC
2603 MAIN STREET, SUITE 1050
IRVINE, CA 92614

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16 OCT 2008

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CATALYST LAW GROUP, APC
9710 SCRANTON ROAD, SUITE S-170
SAN DIEGO CA 92121

In re Application of :
LIPTON et al. :
Application No.: 11/569,063 : DECISION ON
PCT No.: PCT/US05/16248 :
Int. Filing Date: 10 May 2005 : DECLARATION
Priority Date: 10 May 2004 :
Attorney Docket No.: 8014-008-US :
For: TREATMENT OF INSULIN :
RESISTANCE/METABOLIC SYNDROME :
TO ALLEVIATE THE RISKS OF DEMENTIA

This decision is on the submission of a declaration, filed in the United States Patent and Trademark Office on 28 January 2008 in the above referenced application.

On 13 November 2006, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee. On 21 June 2007, a Notification of Missing Requirements was mailed indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) was required along with the surcharge for filing the oath or declaration after thirty month period.

On 21 August 2007, in a timely response to the Notification, a declaration was submitted.

On 07 January 2008, a Notification of Defective Response was mailed to applicant indicating that the declaration did not comply with 37 CFR 1.497(a) and (b) because the additional inventor supplemental sheet was missing, which identified inventor Daniel Einhorn.

On 28 January 2008, applicant submitted a declaration, which was newly executed by the two inventors. The declaration submitted on 28 January 2008 is signed by the inventors Lipton and Einhorn and is in compliance with 37 CFR 1.497(a) and (b).

The application will be forwarded 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 28 January 2008.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS, MN 55402

Mail Date: 06/03/2010

Applicant	: Massimo Iacobelli	: DECISION ON REQUEST FOR
Patent Number	: 7662777	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/569,095	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **397** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

12 MAY 2009

United States Patent and Trademark Office

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 9810

In re Application of :
Stolowitz :
Application No.: 11/569,096 :
PCT No.: PCT/US2005/018687 :
Int. Filing Date: 26 May 2005 : DECISION
Priority Date: 27 May 2004 :
Attorney Docket No.: 870198.401USPC :
For: Solid-Phase Affinity-Based Method :
For Preparing And Manipulating An :
Analyte-Containing Solution :

This is in response to the request under 37 CFR 1.497(d) filed on 24 July 2008.

BACKGROUND

This international application was filed on 26 May 2005, claimed an earlier priority date of 27 May 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 November 2006. Applicants filed *inter alia* the basic national fee on 14 November 2006.

On 28 May 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) as well as certain fees.

DISCUSSION

The instant "petition" requests that Allan H. Stephan be added as an inventor. 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)).

Regarding requirement (1), applicants have provided an appropriate statement signed by Mr. Stephan.

Regarding requirement (2), the processing fee has been paid.

Regarding requirement (3), counsel provides a "Consent of Assignee..." sheet indicating that assignee Stratos Biosystems, LLC consents to the change in inventorship. The document is signed by a person who enjoys authority to act on behalf of the assignee, and references and is

accompanied by an assignment document which was in fact recorded in the records of the USPTO. Therefore, requirement (3) has been satisfied.

DECISION

The declaration is **ACCEPTED** under 37 CFR 1.497(d).

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 **24 July 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

19 DEC 2007

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HOWARD & HOWARD ATTORNEYS, P.C.
THE PINEHURST OFFICE CENTER, SUITE #101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS MI 48304-5151

In re Application of:
ITOH, Maki, et al.
U.S. Application No.: 11/569,104
PCT No.: PCT/JP2005/009221
International Filing Date: 13 May 2005
Priority Date: 14 May 2004
Atty Dkt No.: 071051.00074 (DC10057PCT)
For: FREE FILMS MADE OF CURED ORGANOPOLYSILOXANE RESINS, PROCESS FOR PRODUCTION THEREOF, AND LAMINATED FILMS

DECISION ON REQUEST TO CORRECT INVENTOR'S NAME

This decision is issued in response to the "Response To Notification Of Defective Response" filed 16 October 2007, treated herein as a request to correct transliteration errors in two of the inventors' names. No petition fee is required.

BACKGROUND

On 13 May 2005, applicants filed international application PCT/JP2005/009221. The international application claimed a priority date of 14 May 2004, and it designated the United States. On 24 November 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., 14 November 2006.

The published international application listed four inventors for the purposes of the United States: Maki ITO, Michitaka SUDO, Nobuo KUSHIBIKI, and Katsuya EGUCHI.

On 14 November 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 30 April 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or 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.

On 28 June 2007, applicants filed a response to the Notification Of Missing Requirements that included the required surcharge payment and an executed declaration. However, the names of the first two inventors on the declaration were not consistent with the names of these inventors as listed on the published international application. Specifically, these two inventors were listed as Maki ITOH and Michitaka SUTO on the declaration filed 28 June 2007, and as Maki ITO and Michitaka SUDO on the published international application.

On 17 September 2007, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration filed herein was defective based on the inconsistency in the names of the first two inventors.[1]

On 16 October 2007, applicants filed the "Response To Notification Of Defective Response" considered herein. The submission requests acceptance of the declaration filed 28 June 2007, asserting that the discrepancy between the first and second inventors' names as listed in the declaration and the international application was the result of a transliteration error.

DISCUSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following (emphasis added):

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). **However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.**

Here, applicants' present submission confirms that the correct names of the first and second inventors are Maki ITOH and Michitaka SUTO, as listed on the declaration filed 28 June 2007, and it states that the names of these two inventors were erroneously identified on the published international application as a result of a transliteration error (specifically, an incorrect translation from the Kanji characters of the inventors' names into Roman characters).

Based on the present submission, the correct names for the first and second inventors are accepted as Maki ITOH and Michitaka SUTO, respectively, without the requirement of a petition under 37 CFR 1.182. In light of this correction, the declaration filed 28 June 2007 is now acceptable under 37 CFR 1.497.

---

[1] It is noted that the Form PCT/DO/EO/916 also requires payment of the $130 surcharge for late filing of the oath or declaration, even though such surcharge was already paid by applicants with their previous submission.

CONCLUSION

Applicants' 16 October 2007 request to correct the transliteration errors in the names of the first two inventors is **GRANTED**.

T The name of record for the first inventor is accepted as **Maki ITOH**, as set forth in the declaration filed 28 June 2007. The name of record for the second inventor is accepted as **Michitaka SUTO**, as set forth in the declaration filed 28 June 2007.

Based on the present correction of the inventors' names, the declaration filed on 28 June 2007 is acceptable under 37 CFR 1.497.

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 28 June 2007.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
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Patton Boggs LLP/ Johnson & Johnson
8484 Westpark Drive
Suite 900
McLean, VA 22102

Mail Date: 06/02/2010

Applicant	: Bart Rudolf Romanie Kesteleyn	: DECISION ON REQUEST FOR
Patent Number	: 7622582	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/569,108	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **42** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

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OFFICE OF PETITIONS

In re Application of :
MULLER, Werner et al. :
Application No. 11/569,164 : DECISION ON PETITION
Filed: November 16, 2006 : TO WITHDRAW
Attorney Docket No. **093286-0123** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 15, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Foley and Lardner LLP has been revoked by the assignee of the patent application on November 20, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **FANELLI STRAIN & HAAG PLLC**
1455 PENNSYLVANIA AVE., N.W., SUITE 400
WASHINGTON DC 20004

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05 DEC 2008

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28116
WESTERNGECO LLC
Jeffrey E. Griffin
10001 Richmond Avenue
Houston, TX 77042-4299

In re Application of :
MOLDOVEANU *et al* :
Application No.: 11/569,255 :
PCT No.: PCT/US2004/019184 :
Int. Filing Date: 17 June 2004 : **DECISION**
Priority Date: 04 May 2004 :
Attorney Docket No.: 594-25609-PCT-US :
For: METHOD TO ACQUIRE :
SIMULTANEOUSLY SEISMIC DATA :
WITH SOURCE ARRAYS DESIGNED :
FOR SPECIFIC TARGETS :

This decision is in response to the documents filed 09 July 2008 which are treated as a petition to withdraw the holding of abandonment. No fee is required.

BACKGROUND

On 17 June 2004, applicant filed PCT/US2004/019184 claiming priority to a U.S. provisional application filed 04 May 2004.

On 17 November 2006, applicant filed a transmittal letter for entry into the national stage of PCT/US2004/019184 in the United States under 35 U.S.C. 371 which was accompanied by, *inter alia*, the appropriate fees.

On 17 June 2008, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed because applicant failed to provide the full U.S. Basic National Fee by thirty months pursuant to 37 CFR 1.495(b)(2).

On 09 July 2008, applicant filed the subject response.

DISCUSSION

In the papers filed 09 July 2008, applicant requests reconsideration of the abandonment of the above-captioned application. Applicant states that the appropriate fees were submitted and received by the USPTO on 17 November 2006.

In order to enter the national stage, applicant must meet the requirements of 37 CFR 1.495, which states, in part:

(a) The applicant in an international application must fulfill the requirements of 35 U.S.C. 371 within the time periods set forth in paragraphs (b) and (c) of this section in order to prevent the abandonment of the international application as to the United States of America. The thirty-month time period set forth in paragraphs (b), (c), (d), (e) and (h) of this section may not be extended . . .

(b) To avoid abandonment of the application, the applicant shall furnish to the United States Patent and Trademark Office not later than the expiration of thirty months from the priority date:

(2) The basic national fee (see § 1.492(a)).

A review of USPTO financial records verify that the proper fees were received in the above-captioned application on 17 November 2006. However, the thirty-month deadline to enter the national stage **expired on 04 November 2006.**

Accordingly, the above-captioned application was properly abandoned pursuant to 37 CFR 1.495(b)(2) for failure to timely pay the basic national fee.

CONCLUSION

Applicant's petition to withdraw the holding of abandonment is **DISMISSED** without prejudice.

The above-captioned application remains **ABANDONED**.

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. Applicant may wish to consider filing a petition to revive the above-captioned application under 37 CFR 1.137(b).

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

16 MAR 2009

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28116
WESTERNGECO LLC
Jeffrey E. Griffin
10001 Richmond Avenue
Houston, TX 77042-4299

In re Application of :
MOLDOVEANU *et al* :
Application No.: 11/569,255 :
PCT No.: PCT/US2004/019184 :
Int. Filing Date: 17 June 2004 : **DECISION**
Priority Date: 04 May 2004 :
Attorney Docket No.: 594-25609-PCT-US :
For: METHOD TO ACQUIRE :
SIMULTANEOUSLY SEISMIC DATA :
WITH SOURCE ARRAYS DESIGNED :
FOR SPECIFIC TARGETS :

Applicant's petition to revive under 37 CFR 1.137(b) filed on 30 January 2009 is hereby **GRANTED** as follows:

The petition fee and other national stage fees were provided. Applicant made 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.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

16 MAR 2009

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70512
EMISPHERE TECHNOLOGIES, INC.
240 Cedar Knolls Road
Suite 200
Cedar Knolls, NJ 07927

In re Application of
LIU *et al*
U.S. Application No.: 11/569,285
PCT No.: PCT/US2005/017816
Int. Filing Date: 19 May 2005
Priority Date: 19 May 2004
Docket No.: 01946/1201277-US1
For: TOPICAL CROMOLYN FORMULATIONS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 30 January 2009 is hereby **GRANTED** as follows:

A declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was submitted. The petition fee and other required fees were provided. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3) and provided an adequate explanation of the delay. A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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23460
LEYDIG VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Il 60601-6731

In re Application of :
ZHOU, Jun :
U.S. Application No.: 11/569,305 : **DECISION ON PETITION**
PCT No.: PCT/CN2006/000744 :
Int. Filing Date: 20 April 2006 : **TO WITHDRAW HOLDING**
Priority Date: 21 April 2005 :
Attorney Docket No.: HW255477 : **OF ABANDONMENT**
For: METHOD FOR SELECTING AN :
OPERATING MODE AUTOMATICALLY :

This decision is in response to the "Petition Pursuant to 37 CFR 1.181(a) to Withdraw Holding of Abandonment" filed on 21 July 2008. No fee is required.

BACKGROUND

On 22 December 2006, applicant purportedly filed an executed declaration in the above-captioned application along with authorization to charge the $130.00 surcharge fee to Deposit Account No. 12-1216.

On 19 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 that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required. A two-month time limit in which to respond was set with extensions of time available.

On 14 July 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the above-captioned application was abandoned because applicants failed to respond to the Form PCT/DO/EO/905 mailed 19 June 2007 within the time period set.

On 21 July 2008, applicant filed a petition to withdraw the holding of abandonment which was accompanied by, *inter alia*, copies of the documents purportedly filed 22 December 2006 with a date-stamped postcard receipt.

DISCUSSION

A review of the subject application shows that the 22 December 2006 declaration purportedly filed in the above-captioned application was not located in the file.

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, applicant has provided a copy of the date-stamped postcard receipt for documents submitted 22 December 2006. The postcard receipt records that among the papers received in the USPTO included a "Combined Decl. & POA." The postcard receipt is stamped "IAP6 Rec'd PCT/PTO 22 DEC 2006" across its face. The U.S. application number and docket number are listed on the postcard receipt.

Applicant also provided a copy of the declaration and response filed 22 December 2006. Moreover, USPTO financial records show that the $130.00 surcharge fee was charged to Deposit Account No. 12-1216 on 22 December 2006.

Applicant has provided *prima facie* evidence that the declaration was originally received by the USPTO on 22 December 2006.

DECISION

For the reasons above, applicant's petition to withdraw the holding of abandonment is **GRANTED**.

The Form PCT/DO/EO/909 mailed 14 July 2008 is hereby **VACATED**.

The declaration originally filed 22 December 2006 is in compliance with 37 CFR 1.497(a) and (b).

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 20 April 2006 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 22 December 2006.

This application is being forwarded to the Office of Patent Application Processing for further processing in accordance with this decision.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

20 JUN 2008

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Freescale Semiconductor, Inc.
Law Department
7700 West Parmer Lane
MD:TX32/PL02
Austin TX 78729

In re Application of :
BOGAVAC, Davor :
Application No.: 11/569,332 :
PCT No.: PCT/EP05/51879 :
Int. Filing Date: 26 April 2005 :
Priority Date: 03 May 2004 :
Attorney Docket No.: SC12499ET :
For: METHOD AND DEVICE TO WAKE-UP NODES IN A SERIAL DATA BUS :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 17 November 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 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

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MARSH, FISCHMANN & BREYFOGLE LLP
8055 East Tufts Avenue
Suite 450
Denver, CO 80237

Mail Date: 04/21/2010

Applicant	: Myriam Reminiac	: DECISION ON REQUEST FOR
Patent Number	: 7582874	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/569,352	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/23/2007	: 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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ALLERGAN, INC.
2525 DUPONT DRIVE, T2-7H
IRVINE, CA 92612-1599

Mail Date: 04/21/2010

Applicant	: David W. Old	: DECISION ON REQUEST FOR
Patent Number	: 7635716	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/569,369	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **80** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HENRY M. FEIEREISEN
708 THIRD AVENUE
SUITE 1501
NEW YORK, NY 10017

MAILED

JUN 2 4 2010

OFFICE OF PETITIONS

In re Application of :
Jens Hamann, et al. :
Application No.: 11/569,375 : ON PETITION
Filed: August 15, 2007 :
Attorney Docket No.: HAMANN-8 :

This is a decision on the petition, filed June 23, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 17, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2837 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

2 8 SEP 2007

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

In re Application of :
Rick :
Application No.: 11/569,396 :
PCT No.: PCT/US04/41475 :
Int. Filing Date: 08 December 2004 : DECISION
Priority Date: 08 December 2003 :
Attorney Docket No.: 010383 :
For: Excess Delay Estimation Using Total Received Power :

The petition to revive under 37 CFR 1.137(b) filed on 20 November 2006 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner 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." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. 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 the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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OFFICE OF PETITIONS

Oppedahl Patent Law Firm LLC
P O Box 5940
Dillon, CO 80435-5940

In re Application of :
Tadashi Okuto :
Application No. 11/569,467 :
Filed: November 21, 2006 :
Atty. Dkt. No. SNDN.P-005-USNP :

DECISION ON APPLICATION FOR PATENT TERM ADJUSTMENT

This is a decision on the "REQUEST FOR RECONSIDERATION FOR PATENT TERM ADJUSTMENT PURSUANT TO RULE 705(b)," filed May 7, 2009. Applicants request that the initial determination of patent term adjustment be corrected from zero (0) days to two hundred sixty-five (265) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PALM and PAIR screens to reflect that the correct Patent Term Adjustment (PTA) determination at the time of mailing of the Notice of Allowance is TWO HUNDRED SIXTY-FIVE (265) days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On May 4, 2009, the Office mailed a Determination of Patent Term Extension under 35 U.S.C. 154(b) (application filed after June 7, 1995 but prior to May 29, 2000) in the above-identified application. Applicant was advised that the patent term extension to date was 0 days. The instant application for patent term adjustment was timely filed on, or before, payment of the issue fee.

Applicants state that the subject application is entitled to patent term adjustment because it is a national stage of international application No. PCT/IB05/51933, which was filed on June 10, 2005, which is after May 29, 2000.

Upon review, applicants are correct. This application is a national stage entry of PCT Application No. PCT/IB05/51933,

which was filed on June 10, 2005. Since the international filing date of this application, June 10, 2005, is after May 29, 2000, the instant application is eligible for patent term adjustment.

Applicants assert entitlement to patent term adjustment for the mailing of a non-final Office action on October 28, 2008, fourteen months and 265 days after the fulfillment of the requirements of 371.

37 CFR 1.703(a)(1) states that 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.

Pursuant to 37 CFR 1.703(a)(1), applicants are correct. On November 1, 2007, a Notice of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.495 was mailed stating that the date of receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements was November 21, 2006, and that the date of completion of all 35 U.S.C. 371 requirements was December 6, 2006. On October 28, 2008, fourteen months and 265 days after the date of fulfillment of the requirements under 35 U.S.C. 371, the non-final Office action was mailed.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance is TWO HUNDRED SIXTY-FIVE (265) days (265 days of PTO delay, reduced by zero(0) days of Applicant delay).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the 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 the 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 regarding 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 Updated PALM Screen

Day : Monday
Date: 7/13/2009

PALM INTRANET

Time: 22:48:01

PTA Calculations for Application: 11/569467			
Application Filing Date:	11/21/2006	PTO Delay (PTO):	0
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	265
PTO Delay Adjustment:	265		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
41	07/13/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	265		
34	05/04/2009	MAIL NOTICE OF ALLOWANCE			
33	04/28/2009	ISSUE REVISION COMPLETED			
32	04/28/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
30	04/20/2009	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
29	04/20/2009	DOCUMENT VERIFICATION			
28	04/15/2009	NOTICE OF ALLOWABILITY			
26	02/05/2009	DATE FORWARDED TO EXAMINER			
25	01/28/2009	RESPONSE AFTER NON-FINAL ACTION			
24	10/28/2008	ELECTRONIC REVIEW			
23	10/28/2008	EMAIL NOTIFICATION			
22	10/28/2008	MAIL NON-FINAL REJECTION			
21	10/23/2008	NON-FINAL REJECTION			
20	11/21/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
17	09/16/2008	CASE DOCKETED TO EXAMINER IN GAU			
16	03/28/2008	CASE DOCKETED TO EXAMINER IN GAU			
15	02/08/2008	EMAIL NOTIFICATION			
14	02/07/2008	PG-PUB ISSUE NOTIFICATION			
13	01/02/2008	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
12	11/21/2006	REFERENCE CAPTURE ON IDS			
11	11/21/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	11/21/2006	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			

9	11/21/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	11/29/2007	APPLICATION DISPATCHED FROM OIPE			
7	11/02/2007	EMAIL NOTIFICATION			
6	10/31/2007	SENT TO CLASSIFICATION CONTRACTOR			
5	11/02/2007	FILING RECEIPT			
4	11/02/2007	NOTICE OF DO/EO ACCEPTANCE MAILED			
3	02/27/2007	CASE CLASSIFIED BY OIPE			
2	12/22/2006	CLEARED BY OIPE CSR			
1	11/21/2006	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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UNITED STATES PATENT AND TRADEMARK OFFICE

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Patent No. : 7,579,806 B2
Ser. No. : 11/569,467
Inventor(s) : Okuto
Issued : Aug. 25, 2009
Title : DIRECT METHANOL FUEL CELL PACK HEATING SYSTEM
Docket No. : SNDN.P-005-USNP

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.

Ennis Young
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) **756-1542** or (703) 756-1814

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Oppedahl Patent Law Firm LLC
P O Box 5940
Dillon, CO 80435-5940

Mail Date: 04/20/2010

Applicant	: Tadashi Okuto	: DECISION ON REQUEST FOR
Patent Number	: 7579806	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/569,467	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/21/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **546** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

20 AUG 2009

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Fox Rothschild, LLP
Elan Pharma International Limited
2000 Market Street
Philadelphia PA 19103

In re Application of	:	DECISION ON
Gary Liversidge et al	:	
Application No: 11/569,481	:	
PCT No.: PCT/US2006/022597	:	PETITION UNDER
Int. Filing Date: 09 June 2006	:	
Priority Date: 12 June 2005	:	
Attorney's Docket No.: 34074.00172/02.1902.US	:	
For: MODIFIED RELEASE TICLOPIDINE COMPOSITIONS	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 17 June 2009.

BACKGROUND

On 09 June 2006, applicants filed international application PCT/US2006/022597, which claimed priority to an earlier application filed 12 June 2005.

On 21 November 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration from the inventors accompanied the Transmittal Letter.

On 17 March 2009, 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" The Notice stated that the declaration must be submitted within two months from the date of this notice or 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 17 June 2009, petitioner filed an executed declaration signed by Gary Liversidge, Scott Jenkins, Niall Fanning, Gurvinder Singh Rekhi and John G. Devane on their behalf and on the behalf of the nonsigning co-inventor Paul Stark.

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 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.

Petitioner has satisfied requirements (1) and (3) -(4) of 37 CFR 1.47(a) but not requirement (2).

Regarding requirement (1), petitioner has been charged the petition fee of $200.00 under 37 CFR 1.17(g) to Deposit Account No. 50-1943.

Regarding requirement (2), the averments of Ms. Sharareh are not sufficient to support a finding that the nonsigning inventor, Paul Shark refuses to sign because it is unclear if 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, and that the inventor refused to sign the required papers. The petition states on paragraph 7 that the prior counsel sent, "complete copies of the Declaration and Power of Attorney associated with other related patent applications, namely US Patent Application SN 11/768,169, to the last-known e-mail address of Mr. Stark and on paragraph 11 the petition states that on "March 12, 2009, true and correct copies of the other related Applications and their respective Declarations were sent to Mr. Stark for his consideration." There is, however, no specific reference that a complete copy of the application papers of application serial number 11/569,481 were sent to him for his review since only "other related applications, namely 11/768,169" is mentioned.

Moreover, the prior communications (paragraphs 7-9) with Mr. Stark were preformed by the prior outside counsel, and are the ones who has first hand knowledge of those facts as required by MPEP Section 409.03(d). As a result, petitioner will need to submit statements, with specific facts on the actions referred in the petition by the persons who have first-hand knowledge of such facts.

Regarding requirement (3), petitioner has provided a statement of the last known address of the missing inventor.

Paul Stark
Pearsonbrook Glasson, Co.
Westmeath, Ireland

Regarding requirement (4), petitioner has provided a properly executed declaration.

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

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

UNITED STATES PATENT and TRADEMARK OFFICE

0 3 MAR 2010

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Fox Rothschild, LLP
Elan Pharma International Limited
2000 Market Street
Philadelphia PA 19103

In re Application of	:	DECISION ON
Gary Liversidge et al	:	
Application No: 11/569,481	:	
PCT No.: PCT/US2006/022597	:	PETITION UNDER
Int. Filing Date: 09 June 2006	:	
Priority Date: 12 June 2005	:	
Attorney's Docket No.: 34074.00172/02.1902.US	:	
For: MODIFIED RELEASE TICLOPIDINE COMPOSITIONS	:	37 CFR 1.47(a)

This is in response to the "STATEMENT IN SUPPORT OF THE RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 17 December 2009.

BACKGROUND

In a decision from this Office on 20 August 2009, the petition filed on 17 June 2009 was dismissed. The decision stated that item (2) of 37 CFR 1.47(a) had not been satisfied.

On 17 December 2009, petitioner filed a renewed petition, which includes a statement from Mr. Sharareh.

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 missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

REFUSAL TO JOIN:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. 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.

Petitioner has still not satisfied item (2) of 37 CFR 1.47(a).

Regarding item (2), although Mr. Sharareh's statement has sufficiently demonstrated that a complete copy of the application papers were mailed to the non-signing inventor, Paul Stark, and a copy of the tracking number of the package has been provided, it is unclear if Mr. Sharareh's was the person who performed the actions in Paragraphs 3 and 4. That is, it is unclear if Mr. Sharareh mailed the application papers on October 14, 2009 and is the person, who spoke Mr. Stark, when Mr. Stark stated that he refused the package and requested its return to the Office.

If Mr. Sharareh is not the person who performed those actions listed in the petition, and does not have first hand knowledge of those facts as required by MPEP Section 409.03(d) then petitioner will need to submit statements, with specific facts on the actions referred to by the petition on paragraphs 3, and 4 of Mr. Sharareh's statement by persons who have first-hand knowledge of such facts.

Consequently, the petition still does not satisfy all the items under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

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.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT and TRADEMARK OFFICE

19 JUL 2010

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Elan Pharma International Limited
2000 Market Street
Philadelphia PA 19103

In re Application of	:	DECISION ON RENEWED
Gary Liversidge et al	:	
Application No: 11/569,481	:	
PCT No.: PCT/US2006/022597	:	PETITION UNDER
Int. Filing Date: 09 June 2006	:	
Priority Date: 12 June 2005	:	
Attorney's Docket No.: 34074.00172/02.1902.US	:	
For: MODIFIED RELEASE TICLOPIDINE COMPOSITIONS	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a) AND REQUEST FOR RECONSIDERATION" filed on 03 May 2010.

BACKGROUND

In a decision from this Office on 03 March 2010, the petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 03 May 2010, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 03 March 2010 with respect to accepting the above application without the signature of Mr. Stark.

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 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.

The renewed petition of 03 May 2010 has satisfied item (2) under 37 CFR 1.47(a).

Regarding item (2), statements by Shahnam Sharareh and Steve Steffens, who has first-hand knowledge of the facts have provided statements in collaboration outlining the steps Fed Ex employee took to deliver the application papers to the non-signing inventor Mr. Stark and his refusal to accept the shipment by making a note on the labeling of the package.

Consequently, at this time it can be concluded that Mr. Stark has refused to sign the documents.

Petitioner has now satisfied item (2) 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**.

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 forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459

UNITED STATES PATENT and TRADEMARK OFFICE

19 JUL 2010

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Paul Stark
Pearsonbrook Glasson,
County Westmeath, Ireland

In re Application of
Application No: 11/569,481
PCT No.: PCT/US2006/022597
Int. Filing Date: 09 June 2006
Priority Date: 12 June 2005
Attorney's Docket No.: 34074.00172/02.1902.US
For: MODIFIED RELEASE TICLOPIDINE COMPOSITIONS

Dear: Stark

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.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

Fox Rothschild, LLP
Elan Pharma International Limited
2000 Market Street
Philadelphia PA 19103

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/13/09

TO SPE OF : ART UNIT 1791

SUBJECT : Request for Certificate of Correction for Appl. No.: 11569494
Patent No.: 7455743

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square
Palm Location 7580

Should the changes be made Valerie Jackson Certificates of Correction Branch

703-756-1573

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

XApproved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

/Philip C Tucker/ _1791_
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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HARRINGTON & SMITH, PC
4 RESEARCH DRIVE, SUITE 202
SHELTON, CT 06484-6212

MAILED

MAY 26 2009

OFFICE OF PETITIONS

In re Application of
Jonathan A. Sachs et al.
Application No. 11/569,498
Filed: January 24, 2008
Attorney Docket No. 56747.2.6

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 10, 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 29683 has been revoked by the Assignee of the patent application on April 17, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272- 4584.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS MN 55402

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United States Patent and Trademark Office
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DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York, NY 10008-0770

Mail Date: 06/01/2010

Applicant	: Fumiaki Watanabe	: DECISION ON REQUEST FOR
Patent Number	: 7645605	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/569,529	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/22/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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BARNES AND THORNBURG
P O BOX 2786
CHICAGO, IL 60690-278

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NOV 10 2008

In re Application of :
James Stephen Mahon :
Application No. 11/569,550 : DECISION ON PETITION
Filed: November 22, 2006 : TO WITHDRAW
Attorney Docket No. 920629-104610 : FROM RECORD
:

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 15, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "file responsibility was transferred to the attorneys/agents associated with Customer No. 24628", do not meet any of the conditions set forth in 37 CFR 10.40.

The person signing the petition requests a change of correspondence address filed November 19, 2007 is not acceptable and should have not been processed. 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 request desires to receive future correspondence regarding this

application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: HUSCH BLACKWELL SANDERS, LLP
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25 MAY 2007

Michael N. Mercanti
Lucas & Mercanti, LLP
475 Park Avenue South
New York, NY 10016

In re Application of	:	
BUOMONATO	:	
Application No.: 11/569,557	:	
PCT No.: PCT/IT05/00145	:	DECISION ON PETITION
Int. Filing Date: 16 March 2005	:	
Priority Date: 19 March 2004	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 607.1003	:	
For: CREATINE SALT WITH ENHANCED NUTRITIONAL AND THERAPEUTIC EFFICACY AND COMPOSITIONS CONTAINING SAME	:	

The petition to revive under 37 CFR 1.137(b) filed 22 November 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" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. 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. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States were satisfied with the filing of an executed declaration of the inventors.

The application has an international filing date of 16 March 2005 under 35 U.S.C. 363 and will be given a date of **22 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 (DO/EO/US) for treatment in accordance with this decision.

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Attorney Advisor
Office of PCT Legal Administration
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19 FEB 2008

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SUITE 800
WASHINGTON DC 20037

In re Application of	:	
IWASAKI (deceased)	:	DECISION ON
Application No.: 11/569,559	:	
PCT No.: PCT/JP2005/009612	:	PAPERS
Int. Filing Date: 26 May 2005	:	
Priority Date: 26 May 2004	:	UNDER 37 CFR 1.42
Attorney's Docket No.: Q98605	:	
For: METHOD OF TREATING SEALING	:	
COMPOUND AND APPARATUS FOR TREATING	:	
THE SAME	:	

This is a decision on applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 30 July 2007, which was accompanied by a declaration of the inventors. The indication in this declaration that joint inventor Shinichi Iwasaki is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 26 May 2005, applicants filed international application PCT/JP2005/009612, which designated the United States and claimed a priority date of 26 May 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 December 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 November 2006 (26 November 2006 being a Sunday).

On 22 November 2006, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 08 November 2006, applicants filed the instant submission which was accompanied by, *inter alia*, a declaration of inventors. The indication in this declaration that inventor Shinichi Iwasaki is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The submission filed 30 July 2007 has been reviewed and has been found in compliance with 37 CFR 1.42.

The declaration of inventors filed 30 July 2007 is not in compliance with 37 CFR 1.69(b); specifically applicants have not used one of the pre-approved foreign language forms nor have applicants furnished the requisite statement attesting to the accuracy of the translation.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file either a pre-approved foreign language declaration in compliance with 37 CFR 1.497(a)-(b) or the requisite statement under 37 CFR 1.69(b) that the translation is accurate.

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.

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/

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02 JUL 2008

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In re Application of EINHORN	:	
U.S. Application No.: 11/569,568	:	
PCT Application No.: PCT/IL2005/000523	:	
Int. Filing Date: 22 May 2005	:	DECISION
Priority Date Claimed: 23 May 2004	:	
Attorney Docket No.: 7057-X08-021	:	
For: METHOD AND SYSTEM FOR MANAGING CUSTOMER RELATIONS	:	

This is in response to applicant's "Petition Under 37 C.F.R. §1.181 (a) to Withdraw the Holding of Abandonment" filed 17 June 2008.

BACKGROUND

On 22 May 2005, applicant filed international application PCT/IL2005/000523, which claimed priority of an earlier Israel application filed 23 May 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 01 December 2005. The thirty-month period for paying the basic national fee in the United States expired on 23 November 2006.

On 23 November 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) via the EFS-Web electronic filing system of the USPTO ("EFS-Web"). The submission was purportedly accompanied by the basic national fee required by 35 U.S.C. 371(c)(1).

On 19 November 2007, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the present application is abandoned as to the United States for failure to timely pay the requisite basic national fee.

On 17 June 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition states that the basic national fee was paid on 23 November 2006 via EFS-Web as evidenced by the EFS-Web electronic acknowledgement receipt. Although the EFS-Web electronic acknowledgement receipt does indicate that the national stage papers were submitted with payment of the basic national fee, USPTO fee records indicate that the requested Electronic Funds Transfer (EFT) was unsuccessful. Therefore, payment of the basic national fee did not occur, and withdrawal of the holding of abandonment is not indicated in the present case.

The petition states that applicant alternatively petitions to revive the present application under 37 CFR 1.137(b). 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 reply 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.

Applicant is advised that 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.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 22 May 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 June 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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29 AUG 2007

STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON, DC 20006

In re Application of	:	
HUR, Jean et al.	:	
Application No.: 11/569,574	:	
PCT No.: PCT/KR05/00203	:	
Int. Filing Date: 25 January 2005	:	COMMUNICATION
Priority Date: 25 May 2004	:	
Attorney's Docket No.: 104-1258	:	
For: Optical Engine Apparatus And Projection Television Using The Same	:	

This is a communication in response to applicants' "Request For Refund," filed on 15 March 2007, which has been treated as a request for a refund under 37 CFR 1.26.

BACKGROUND

On 25 January 2005, applicants filed international application PCT/KR05/00203, claiming a priority date of 25 May 2004. The thirty-month for paying the basic national fee in the United States expired at midnight on 25 November 2006.

On 24 November 2006, applicants 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 ($300), the examination fee ($200), the search fee ($500) and an executed declaration.

On 15 March 2007, applicants filed the instant "Request For Refund" under 37 CFR 1.26, indicating that the correct Search Fee should have been $400, rather than the paid $500, because the International Search Report was prepared by an International Searching Authority other than the US and was provided to the Office. Applicants request that $100 be refunded to Deposit Account No. 50-2827.

DISCUSSION

37 CFR 1.26(a) states in part,

> (a) The Director may refund any fee paid by mistake or in excess of that required.

In the instant application, the International Search Report was prepared by the Korean Intellectual Property Office (International Searching Authority other than the US). A copy of the International Search Report has been included with the papers submitted on 24 November 2006. Therefore, the Search Fee paid on 24 November 2006 is deemed to be in excess of that required. The correct Search Fee is $400.

The records of the United States Patent and Trademark Office indicate that the $100 overpayment was refunded to applicants' credit card on 04 June 2007. Hence, applicants' request for a refund is moot.

CONCLUSION

Applicants' request for a refund under 37 CFR 1.26 is **MOOT.**

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

Stefan Staicovici
PCT Legal Examiner
Office of PCT Legal Administration
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14 OCT 2009

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of	:	
KAWAI	:	
Application No.: 11/569,579	:	
PCT No.: PCT/JP2005/009385	:	DECISION
Int. Filing Date: 23 May 2005	:	
Priority Date: 26 May 2004	:	
Attorney's Docket No.: P31218	:	
For: BROADCASTING SYSTEM, BROADCASTING STATION APPARATUS, RECEIVING DEVICE, AND BROADCASTING METHOD	:	

This decision is in response to applicant's "REQUEST FOR CORRECTION OF NOTICE OF ACCEPTANCE" filed 31 July 2008 and applicant's "SECOND REQUEST FOR CORRECTION OF NOTICE OF ACCEPTANCE" filed 11 March 2009, which taken together have properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 23 May 2005, applicant filed international application PCT/JP2005/009385, which designated the United States and claimed a priority date if 26 May 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 12 August 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 November 2006.

On 24 November 2006, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of the inventor.

On 21 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) indicating the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date as 24 November 2006 and the date of completion of all 35 U.S.C. 371 requirements as 26 November 2006.

On 31 July 2008, applicant submitted a "REQUEST FOR CORRECTION OF NOTICE OF ACCEPTANCE" requesting that the "date of completion of all 35 U.S.C. 371 requirements" be changed from 26 November 2006 to 24 November 2006.

ON 11 March 2009, applicant submitted a "SECOND REQUEST FOR CORRECTION OF NOTICE OF ACCEPTANCE" again requesting that the "date of completion of all 35 U.S.C. 371 requirements" be changed from 26 November 2006 to 24 November 2006.

DISCUSSION

The NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 lists two dates. (See MPEP § 1893.03(b) for a more detailed discussion regarding the difference between the two dates.) The date on the left is the date the requirements under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) have been met. In this case, that date is 24 November 2006. The date on the right is the date of completion of all 35 U.S.C. 371 requirements. In this case, that date is 26 November 2006 (thirty months from the priority date). (See 35 U.S.C. 371(b) and MPEP § 1893.03(b), item (E) which states "the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date". Here, there was no request for early processing.) Accordingly, the indication on the NOTICE OF ACCEPTANCE is correct.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

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/

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22 OCT 2009

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1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of	:	
KAWAI	:	SUPPLEMENTAL
Application No.: 11/569,579	:	
PCT No.: PCT/JP2005/009385	:	DECISION
Int. Filing Date: 23 May 2005	:	
Priority Date: 26 May 2004	:	
Attorney's Docket No.: P31218	:	
For: BROADCASTING SYSTEM, BROADCASTING	:	
STATION APPARATUS, RECEIVING DEVICE,	:	
AND BROADCASTING METHOD	:	

This decision is supplemental to the decision issued 14 October 2009. The decision issued 14 October 2009 is hereby VACATED. The petition is **GRANTED**.

BACKGROUND

On 23 May 2005, applicant filed international application PCT/JP2005/009385, which designated the United States and claimed a priority date if 26 May 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 12 August 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 November 2006.

On 24 November 2006, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of the inventor.

On 21 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) indicating the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date as 24 November 2006 and the date of completion of all 35 U.S.C. 371 requirements as 26 November 2006.

On 31 July 2008, applicant submitted a "REQUEST FOR CORRECTION OF NOTICE

OF ACCEPTANCE" requesting that the "date of completion of all 35 U.S.C. 371 requirements" be changed from 26 November 2006 to 24 November 2006.

On 11 March 2009, applicant submitted a "SECOND REQUEST FOR CORRECTION OF NOTICE OF ACCEPTANCE" again requesting that the "date of completion of all 35 U.S.C. 371 requirements" be changed from 26 November 2006 to 24 November 2006.

On 14 October 2008, a decision was issued properly treating the submissions filed 31 July 2009 and 11 March 2009 as a petition under 37 CFR 1.181. The decision dismissed applicant's petition without prejudice because "there was no request for early processing."

DISCUSSION

Upon reconsideration, it has been determined that a request for early processing was filed 24 November 2006. Accordingly, the date of completion of all 35 U.S.C. 371 requirements is 24 November 2006.

(The NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 lists two dates. (See MPEP § 1893.03(b) for a more detailed discussion regarding the difference between the two dates.) The date on the left is the date the requirements under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) have been met. In this case, that date is 24 November 2006. The date on the right is the date of completion of all 35 U.S.C. 371 requirements. In this case, that date should also be 24 November 2006 ("the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date" MPEP § 1893.03(b), item (E)).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The decision issued 14 October 2009 is VACATED.

The NOTICE OF ACCEPTANCE mailed 21 July 2008 is **VACATED**.

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 for processing in accordance with this decision, that is for mailing of a corrected NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) indicating both the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) and the 35 U.S.C. 371 dates as **24 November 2006**.

/Daniel Stemmer/

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15 FEB 2007

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In re Application of:
TOMBS, Michael, et al.
U.S. Application No.: 11/569,584
PCT No.: PCT/GB2005/002072
International Filing Date: 25 May 2005
Priority Date: 25 May 2004
Atty Docket No.: P/25-315 V1960
For: SELECTIVE SOLDERING APPARATUS WITH MULTIPLE PUMPS AND THIMBLE PLATE NITROGEN COOLED PUMP BEARING ASSEMBLY

DECISION ON REQUEST FOR EXPRESS ABANDONMENT

This decision is issued in response to the "Express Abandonment" filed 07 December 2006. No petition fee is required.

BACKGROUND

On 25 May 2005, applicants filed international application PCT/GB2005/002072. The international application claimed a priority date of 25 May 2004, and it designated the United States. On 08 December 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., 27 November 2006 (25 November 2006 was a Saturday).

On 24 November 2006, above-named counsel filed a Transmittal Letter for entry into the national stage in the United States for PCT/GB2005/002072, accompanied by, among other materials, payment of the basic national fee. The submission did not include an executed declaration or a Power of Attorney from the applicants appointing an attorney of record. The materials were assigned U.S. application number 11/569,584.

On 27 November 2006, different attorneys filed materials for entry into the national stage in the United States for PCT/GB2005/002072, accompanied by, among other materials, payment of the basic national fee. The submission did not include an executed declaration or a Power of Attorney from the applicants appointing an attorney of record.

The materials filed 27 November 2006 were initially assigned U.S. application number 11/597,637. However, there can only be a single U.S. national stage for a given international

application. Because the present U.S. application file had already been established as the U.S. national stage for international application PCT/GB2005/002072, the duplicative national stage materials filed 27 November 2006 have been placed in the present application file. Application number 11/597,637 will be discontinued.

On 07 December 2006, above-named counsel filed the "Express Abandonment" considered herein, requesting express abandonment of the present application.

On 15 December 2006, the USPTO mailed a "Notice Of Abandonment" acknowledging the letter of Express Abandonment.

DISCUSSION

1. Express Abandonment

Pursuant to 37 CFR 1.138(b), an attorney signing a request for express abandonment must be the appointed attorney of record. See MPEP section 711.01: "The applicant (acquiesced in by an assignee of record), or the attorney/agent of record, if any, can sign an express abandonment."

As noted above, the present application does not include a Power of Attorney or declaration appointing above-named counsel as attorney of record; rather, the papers filed herein were submitted by counsel in a representative capacity under 37 CFR 1.34. As set forth in MPEP section 402, "a person acting in a representative capacity may not sign ... a request for express abandonment without filing a continuation application" (no such continuation application has been filed here).

Based on the above, the request for express abandonment filed by above-named counsel on 07 December 2006 is not effective under 37 CFR 1.138(b). The "Notice of Abandonment" mailed 15 December 2006, based as it was on the ineffective request for express abandonment, is appropriately vacated.

2. Duplicate National Stage Filings

As noted above, both above-named counsel and a different attorney have filed separate papers requesting entry into the national phase of international application PCT/GB2005/002072. There can only be one U.S. national stage application for a given PCT international application. Thus, the filing of two national stage applications is improper.

The materials from both attorneys have been placed in the present application file. Neither attorney has filed a declaration or power of attorney appointing the filing party as applicants' representative.

CONCLUSION

The request for express abandonment of the present application is **DISMISSED** without prejudice.

The "Notice of Abandonment" mailed 15 December 2006 is hereby **VACATED**.

The second set of national stage papers for international application PCT/GB2005/002072 filed on 27 November 2006 (and initially assigned U.S. application number 11/597,637) have been placed in the present application file. U.S. application number 11/597,637 will be discontinued.

A courtesy copy of the present decision will be mailed to the attorneys that filed the second set of national stage papers on 27 November 2006; however, unless an acceptable request to correct the agent and correspondence address of record is submitted, accompanied by a power of attorney making such attorneys of record herein, all future correspondence herein will be mailed only to the above-listed correspondence address of record.

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, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

cc: Stephen A. Soffen
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006-5403

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HAYNES BEFFEL & WOLFELD LLP
PO BOX 366
HALF MOON BAY CA 94019

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OCT 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Majid RIAZIAT, et al	:	
Application No. 11/569, 661	:	DECISION ON PETITION
Filed: November 27, 2006	:	TO WITHDRAW
Attorney Docket No. WAG 1003-2	:	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 August 27, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Kenta Suzue on behalf of the attorneys of record associated with Customer No. 22470.

The attorneys of record associated with Customer No. 22470 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future communication from the Office will directed to the address indicated 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: MAJID RIAZIAT
1210 WOODFLOWER WAY
SAN JOSE, CA 95117

29 MAR 2007

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QUARLES & BRADY LLP
One South Church Avenue,
Suite 1700
Tucson, AZ 85701-1621

In re Application of	:	
MOORHOUSE, Paul P.	:	
U.S. Application No.: 11/569,665	:	
PCT No.: PCT/GB2005/002064	:	**DECISION**
Int. Filing Date: 24 May 2005	:	
Priority Date: 28 May 2004	:	
Attorney Docket No.: 122510.00004	:	
For: SUBMERSIBLE VEHICLES	:	

This decision is in response to the petition under 37 CFR 1.47(b) filed with the United States Designated/Elected Office (DO/EO/US) on 26 January 2007.

BACKGROUND

On 26 January 2007, applicant filed the subject petition which was accompanied by, inter alia, the $200.00 petition fee; a declaration signed by the 37 CFR 1.47(b) applicant for the nonsigning inventor; a declaration by Gavin J. Milczarek-Desai ("Decl."); a copy of an assignment; and copies of several emails.

DISCUSSION

The 37 CFR 1.47(b) applicant claims that the sole inventor in the above-captioned application refuses to cooperate.

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the required petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of the nonsigning joint inventor (5) evidence showing 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.

Concerning item (1), the petition fee of $200.00 has been paid.

With regards to item (3), the last known address of the nonsigning inventor, Paul P. Moorhouse, is given as:

Astor House

2 Alexanda Road
Mutley Plain
Plymouth, Devon PL4 7JR
United Kingdom

Concerning item (4), the 37 CFR 1.47(b) applicant submitted a declaration signed by Mr. Peter Robbins for the assignee Alicia Submarines, LLC on behalf of Mr. Moorhouse. The name, address and citizenship of Mr. Moorhouse are recorded on the declaration. Mr. Robbins is listed as the Manager of Alicia Submarines, LLC.

The position of Manager is not a position that is assumed to have the authority to sign for the assignee. Nonetheless, Mr. Robbins asserts that he is "authorized to act on behalf of the assignee" in the statement under 37 CFR 3.73(b) filed 27 November 2006. The declaration satisfies the requirements of section 409.03(b) of the MPEP. Item (4) of 37 CFR 1.47(b) is satisfied.

With regards to item (5), section 409.03(f) of the MPEP discusses proof of proprietary interest and states, in part:

> 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).

Here, the petitioner has provided a copy of the assignment signed by the sole inventor to Alicia Submarines, LLC. The assignment clearly indicates that the assignee has the right to the invention described in the subject application. A statement under 37 CFR 3.73(b) by the assignee was submitted in the application on 27 November 2006. This satisfies the requirements of item (5) of 37 CFR 1.47(b).

Regarding item (6), the 37 CFR 1.47(b) applicant states that the refusal by Mr. Moorhouse will cause "irreparable harm to the assignee's patent rights." This statement satisfies item (6).

Hence, items (1), (3), (4), (5) and (6) of 37 CFR 1.47(b) are complete.

Regarding item (2), the 37 CFR 1.47(a) applicant claims that the sole inventor refuses to join in the application and has provided copies of emails by Mr. Moorhouse purporting to make such a showing.

However, petitioner must also show that a complete copy of the application

including specification, claims and drawings were provided to the nonsigning inventor for a refusal to be accepted. *See* § 409.03(d) MPEP.

Here, petitioner submitted a declaration by Gavin J. Milczarek-Desai who states that "a copy of the application papers" were sent to Mr. Moorhouse via email on 14 November 2006. Decl. at ¶ 6. Petitioner also included copies of emails that could be construed as a written refusal by Mr. Moorhouse.

However, petitioner did not include a copy of the email to Mr. Moorhouse dated 14 November 2006 showing that a copy of the complete application was provided to him. This evidence is required for the purported written refusal by Mr. Moorhouse to be accepted. *See* § 409.03(d) MPEP ("If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted.")

For this reason, item (2) of 37 CFR 1.47(b) is not yet satisfied.

CONCLUSION

For the reason discussed above, applicant's 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. No additional petition fee is required.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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14 AUG 2007

QUARLES & BRADY LLP
One South Church Avenue,
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Tucson, AZ 85701-1621

In re Application of
MOORHOUSE, Paul P.
U.S. Application No.: 11/569,665
PCT No.: PCT/GB2005/002064
Int. Filing Date: 24 May 2005
Priority Date: 28 May 2004
Attorney Docket No.: 122510.00004
For: SUBMERSIBLE VEHICLES

DECISION

This decision is in response to the request for reconsideration filed with the United States Designated/Elected Office (DO/EO/US) on 24 May 2007. This is treated as a renewed petition under 37 CFR 1.47(b).

BACKGROUND

On 29 March 2007, a decision dismissing applicant's petition under 37 CFR 1.47(b) was mailed. The 37 CFR 1.47(b) applicant failed to meet the requirements of item (2) of 37 CFR 1.47(b).

On 24 May 2007, petitioner submitted a renewed petition which was accompanied by copies of emails requested in the prior decision.

DISCUSSION

As previously indicated, a petition under 37 CFR 1.47(b) requires (1) the petition fee, (2) factual proof that the inventor refuses to execute the application or cannot be located, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning 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.

Applicant satisfied items (1), (3), (4), (5) and (6) in the initial petition.

Concerning item (2), the 37 CFR 1.47(a) applicant claims that the sole inventor refuses to join in the application. However, petitioner did not provide the requisite documentary evidence showing that a complete copy of the application including specification, claims and drawings were provided to the nonsigning inventor. *See* § 409.03(d) MPEP. As such, item (2) was not complete.

In the renewed petition, the 37 CFR 1.47(b) applicant has provided a copy of an email dated 07 December 2006 showing that a complete copy of the application was sent to Mr. Moorehouse. Petitioner also provided a response from the nonsigning inventor dated 08 December 2006 showing receipt. This is sufficient to satisfy item (2).

Accordingly, the 37 CFR 1.47(b) applicant has now met all of the requirements of 37 CFR 1.47(b).

CONCLUSION

Applicant's renewed 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 the last known address of record as set forth in the papers filed 26 January 2007 and a notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 24 May 2005 under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 26 January 2007.

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

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Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Mail Date: 04/21/2010

Applicant	: Karl Freudelsperger	: DECISION ON REQUEST FOR
Patent Number	: 7646156	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/569,667	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **528** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days,** whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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27 JUN 2007

EGBERT LAW OFFICES
412 MAIN STREET, 7TH FLOOR
HOUSTON TX 77002

In re Application of
VOEGTLIN (deceased)
Application No.: 11/569,673
PCT No.: PCT/FR05/50310
Int. Filing Date: 10 May 2005
Priority Date: 01 June 2004
Attorney Docket no.: 1429-211
For: COOKING OVEN FOR BREAD, PATISSERIE AND PASTRIES OR SIMILAR

DECISION ON

REQUEST

UNDER 37 CFR 1.42

This is a decision on applicant's submission under 35 U.S.C. 117 and 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 25 June 2007.

BACKGROUND

On 27 November 2006, prior to the expiration of the thirty month period, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 21 June 2007, 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) was required.

On 25 June 2007, applicant filed the instant submission along with an executed declaration.

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative. The declaration must also state the citizenship, residency and last mailing address of the deceased inventor to comply with 37 CFR 1.497(a)(3).

Applicant has provided a declaration executed by Suzanne Jacqueline Voegtlin. The declaration notes that she is the heir of deceased inventor Rene Voegtlin.

The declaration is unacceptable because the declaration does not identify both the deceased inventor and the sole heir and does not state country of citizenship, former residency and mailing address for *both* the deceased inventor and the heir, for compliance with 37 CFR 1.497(b). Thus, the declaration is not in compliance with 37 CFR 1.497(a) and (b) and is unacceptable.

A new declaration must be submitted, identifying both the deceased inventor and the sole heir and providing the citizenship, residency and mailing address of both the heir and the deceased inventor.

Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **DISMISSED WITHOUT PREJUDICE**.

The declaration submitted on 25 June 2007 cannot be accepted as a proper response to the Notification of Missing Requirements at this time.

What is required is a new declaration in compliance with 37 CFR 1.497(a) and (b).

Applicant is required to correct the above-noted defects including the furnishing of an oath/declaration in compliance with 1.497(a) and (b) within **ONE (1) MONTH** from the mail date of this Decision or the time remaining under the Notification of Missing Requirements.

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
PCT Legal Office
Office of PCT Legal Administration

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24 JUL 2007

EGBERT LAW OFFICES
412 MAIN STREET, 7TH FLOOR
HOUSTON TX 77002

In re Application of
VOEGTLIN (deceased)
Application No.: 11/569,673
PCT No.: PCT/FR05/50310
Int. Filing Date: 10 May 2005
Priority Date: 01 June 2004
Attorney Docket no.: 1429-211
For: COOKING OVEN FOR BREAD, PATISSERIE AND PASTRIES OR SIMILAR

DECISION ON

REQUEST

UNDER 37 CFR 1.42

This is a decision on applicant's submission 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 13 July 2007.

BACKGROUND

On 27 November 2006, prior to the expiration of the thirty month period, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 21 June 2007, 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) was required.

On 25 June 2007, applicant filed a petition under 37 CFR 1.42, in response to the Notification of Missing Requirements.

On 13 July 2007, applicant, in response to the decision mailed on 27 June 2007, filed a newly executed declaration.

DISCUSSION

Applicant has provided a declaration executed by Suzanne Weber Voegtlin, the sole heir of the sole inventor Rene Voegtlin. The declaration identifies her as the sole heir of deceased inventor. The declaration identifies the deceased inventor and provides the citizenship, residency and mailing address for both the deceased inventor and his heir. Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR 1.42 and 1.43

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The application will be forwarded 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 **13 July 2007.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: 571-272-3286
Fax: 571-273-0459

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GE HEALTHCARE BIO-SCIENCES CORP.
PATENT DEPARTMENT
101 CARNEGIE CENTER
PRINCETON, NJ 08540

Mail Date: 04/20/2010

Applicant	: Richard Martin West	: DECISION ON REQUEST FOR
Patent Number	: 7579140	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/569,682	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/28/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **367** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MAILED

MAR 13 2009

OFFICE OF PETITIONS

In re Application of :
Christopher Lyndon Higgin :
Application No. 11/569,693 : DECISION ON PETITION
Filed: November 28, 2006 :
Attorney Docket No. ABAC0103PUSA :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 27, 2009, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed February 19, 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 March 20, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 3643 for appropriate action by the Examiner in the normal course of business on the reply received January 27, 2009.

April M. Wise
Petitions Examiner
Office of Petitions

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0 1 OCT 2007

AKC PATENTS, LLC
215 Grove Street
Newton, MA 02466

In re Application of
POULSEN, Frank
U.S. Application No.: 11/569,715
PCT No.: PCT/DK2005/000311
Int. Filing Date: 09 May 2005
Priority Date: 10 May 2004
Attorney Docket No.: PP-101
For: SYSTEM FOR SELECTIVE TREATMENT OF PLANTS IN A ROW

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 28 November 2006 is hereby **GRANTED** as follows:

The basic national fee and petition fee for a small entity have been paid. Applicant makes 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 declaration in compliance with 37 CFR 1.497(a) and (b) was submitted. However, a surcharge fee of $65.00 pursuant to 37 CFR 1.492(h) is also required.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing 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) indicating that a surcharge fee is required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

11 MAR 2009

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

In re Application of PETEREIT et al	:	
U.S. Application No.: 11/569,731	:	
PCT Application No.: PCT/EP2005/005374	:	DECISION
Int. Filing Date: 18 May 2005	:	
Priority Date Claimed: 23 July 2004	:	
Attorney Docket No.: 298999US0PCT	:	
For: MEDICAMENT IN A MULTILAYER FORM	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 22 January 2009.

BACKGROUND

On 18 May 2005, applicant filed international application PCT/EP2005/005374, which claimed priority of an earlier Germany application filed 23 July 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 02 February 2006. The thirty-month period for paying the basic national fee in the United States expired on 23 January 2007.

On 28 November 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration.

On 09 May 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that the declaration did not list one of the inventors who was listed in the published international application.

On 14 January 2009, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements.

On 22 January 2009, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

A review of the application file reveals that the corrected inventorship was reflected in the later publication of international application PCT/EP2005/005374 on 08 September 2006. Accordingly, the Notification of Missing Requirements was sent in error.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is DISMISSED AS MOOT.

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 09 May 2008 is hereby VACATED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 14 January 2009 is hereby VACATED.

The $1,620.00 petition fee will be refunded to Deposit Account No. 15-0030.

The application has an International Filing Date under 35 U.S.C. 363 of 18 May 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 28 November 2006.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

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PCT Legal Examiner
PCT Legal Office

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13 JUL 2007

SMITH-HILL AND BEDELL, P.C.
16100 NW CORNELL ROAD
SUITE 220
BEAVERTON, OR 97006

In re Application of	:	
ORTH, Andreas et al.	:	
Application No.: 11/569,734	:	DECISION
PCT No.: PCT/EP05/05471	:	
Int. Filing Date: 20 May 2005	:	ON SUBMISSION UNDER
Priority Date: 31 May 2004	:	
Attorney's Docket No.: OUTT 3548	:	37 CFR 1.42
For: A Direct Reduction Apparatus And Process	:	

This decision is issued in response to applicants' submission on 19 April 2007 of a declaration executed on behalf of deceased co-inventor Donald Keith Philp by his legal representative. Applicants' submission is treated as a petition under 37 CFR 1.42.

BACKGROUND

On 20 May 2005, applicants filed international application PCT/EP05/05471, claiming an earliest priority date of 31 May 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 November 2006.

On 28 November 2006, applicants 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.

On 19 April 2007, applicants filed a declaration of the inventors and the surcharge for late filing of the declaration. The declaration was signed by Jeantine Van Gemund as legal representative for deceased co-inventor Donald Keith Philp.

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.

37 CFR 1.497(b)(2) states that:

> 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.

A review of the declaration filed 19 April 2007 shows that Jeantine Van Gemund has executed the declaration as legal representative for deceased co-inventor Donald Keith Philp and has provided the statement required under item (1).

With regard to items (2)-(4), it is not clear whether the residence, mailing address and citizenship shown on the declaration filed 19 April 2007 are those of the person signing on behalf of deceased co-inventor Donald Keith Philp. It is also noted that the citizenship of both the deceased inventor and the legal representative is required.

The declaration filed 19 April 2007 is not acceptable under 37 CFR 1.497 (a)-(b). Applicants are required to file a new declaration.

CONCLUSION

Applicants' petition filed 19 April 2007 under 37 CFR 1.42 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 1.42." No additional petition fee is required.

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.

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0 9 JAN 2008

SMITH-HILL AND BEDELL, P.C.
16100 NW CORNELL ROAD, SUITE 220
BEAVERTON, OR 97006

In re Application of:	:	
ORTH, Andreas, et al.	:	DECISION REGARDING
U.S. Application No.: 11/569,734	:	RENEWED SUBMISSION UNDER
PCT No.: PCT/EP2005/005471	:	37 CFR 1.42
International Filing Date: 20 May 2005	:	
Priority Date: 31 May 2004	:	
Attorney Docket No.: OUTT 3548	:	
For: A DIRECT REDUCTION	:	
APPARATUS AND PROCESS	:	

This communication is issued in response to the "Renewed Petition Under 37 CFR 1.42" filed 23 August 2007. No petition fee is required.

BACKGROUND

In a decision mailed on 13 July 2007, this Office indicated that the declaration filed by applicants on 19 April 2007 was not acceptable under 37 CFR 1.497 and 1.42. Specifically, the decision indicated that it was unclear whether the residence, mailing address, and citizenship listed in the signature box of deceased inventor Donald Keith PHILP were those of the deceased inventor or the inventor's legal representative Jeantine Van Gemund. The decision also noted that the citizenship of both the deceased inventor and the legal representative were required on the declaration. Based on the above, the decision stated that applicants were "required to file a new declaration."

On 23 August 2007, applicants filed the renewed petition considered herein. The renewed petition was not accompanied by the required new declaration. Rather, the response argues that the previously filed declaration is acceptable under the applicable statute and regulations.

DISCUSSION

In the present response, counsel clarifies the record by indicating that the citizenship, residence, and post office address information provided in the signature box of the deceased inventor is that of the legal representative named therein, Jeantine Van Gemund, as required under 37 CFR 1.497(b)(2).

However, as stated in the previous decision, the declaration is required to indicate the citizenship of **both** the deceased inventor and the legal representative. In the present submission, applicants argue that the applicable statute and regulations do not require the declaration to set

forth the citizenship of the deceased inventor. However, 37 CFR 1.497(a)(3) unambiguously states that the applicants must file an oath or declaration that "[i]dentifies each inventor and the country of citizenship of each inventor." This regulation makes no exception for deceased inventors.[1]

In the present application, Donald Keith PHILP is one of the inventors of record. The declaration filed 19 April 2007 fails to identify this inventor's country of citizenship. Thus, such declaration does not identify "the country of citizenship of each inventor" as required under 37 CFR 1.497(a)(3). Accordingly, as stated in the previous decision, the present declaration does not comply with 37 CFR 1.497, and a new declaration is required.

Applicants argue that the legal representative cannot state the citizenship of the deceased inventor on personal knowledge. However, given that the copy of Mr. PHILP's passport submitted with the present response indicates his nationality, it is unclear why the citizenship cannot be set forth in the declaration. 37 CFR 1.497(a)(3) requires such citizenship to be identified in the declaration itself, not in supporting materials. Accordingly, the submission of the copy of the passport or Death Certificate is not sufficient to satisfy the requirements of 37 CFR 1.497(a)(3).

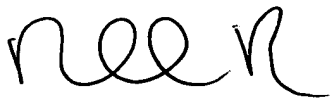
CONCLUSION

The renewed petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants have **TWO (2) MONTHS** from the mail date of the present decision to submit a proper response. Such response must include a revised oath or declaration executed on behalf of the deceased inventor by his legal representative and containing all the information required under 37 CFR 1.497, including, the name, citizenship, residence, and mailing address of the legal representative and the name and citizenship of the deceased inventor.

Extensions of time are available under 37 CFR 1.136(a). Failure to file a timely and proper response will result in abandonment.

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.



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[1] It is noted that, even if applicants' argument that 37 CFR 1.497(b)(2) does not require the legal representative to state the information required by 37 CFR 1.497(a)(3) was accepted, the declaration itself would still remain defective for failure to comply with 37 CFR 1.497(a)(3).

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10 APR 2008

SMITH-HILL AND BEDELL, P.C.
16100 NW CORNELL ROAD, SUITE 220
BEAVERTON, OR 97006

In re Application of:
ORTH, Andreas, et al.
U.S. Application No.: 11/569,734
PCT No.: PCT/EP2005/005471
International Filing Date: 20 May 2005
Priority Date: 31 May 2004
Attorney Docket No.: OUTT 3548
For: A DIRECT REDUCTION APPARATUS AND PROCESS

DECISION REGARDING SECOND RENEWED SUBMISSION UNDER 37 CFR 1.42

This communication is issued in response to the "Renewed Petition Under 37 CFR 1.42" filed by applicants on 26 February 2008. No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the decisions mailed by this Office on 13 July 2007 and 09 January 2008. These decisions found that the declaration filed by applicants on 19 April 2007 did not include all the information required for acceptance under 37 CFR 1.42 and 1.497.

On 26 February 2008, applicants filed the "Renewed Petition Under 37 CFR 1.42" considered herein, accompanied by a revised declaration executed by the legal representative of the deceased inventor.

DISCUSSION

The revised declaration filed 26 February 2008 is executed by Jeantine VAN GEMUND as the legal representative of the deceased inventor, Donald Keith PHILP, and this declaration includes all required information with respect to the deceased inventor and the legal representative, including the citizenship of both the deceased inventor and the legal representative. Applicants had previously filed a declaration executed by the surviving inventors. Accordingly, acceptance of the revised declaration filed 26 February 2008 under 37 CFR 1.42 and 1.497 is appropriate.

CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Donald Keith PHILP is **GRANTED**.

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. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 26 February 2008.

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United States Patent and Trademark Office

22 OCT 2007

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SMITH-HILL AND BEDELL, P.C.
16100 NW CORNELL ROAD, SUITE 220
BEAVERTON OR 97006

In re Application of	:	
Orth et al.	:	
Application No. 11/569,736	:	
PCT No.: PCT/EP05/05472	:	
Int. Filing Date: 20 May 2005	:	DECISION
Priority Date: 31 May 2004	:	
Atty. Docket No.: OUTT 3547	:	
For: Direct Reduction Process Using A Single Fluidised Bed	:	

This is in response to the declaration of the inventors filed on 19 April 2007, which is being treated under 37 CFR 1.42.

BACKGROUND

This international application was filed on 20 May 2005, claimed an earliest priority date of 31 May 2004, and designated the U.S. The International Bureau communicated a copy of the published international application to the USPTO on 08 December 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 30 November 2006. Applicant filed, *inter alia*, the basic national fee on 28 November 2006.

DISCUSSION

Review of the declaration of the inventors filed on 19 April 2007 reveals that joint inventor Donald Keith PHILP is indicated to be "deceased" and that Jeantine VAN GEMUND has signed on his behalf. 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.

Further examination of the declaration filed on 19 April 2007 reveals that Jeantine VAN GEMUND has signed in the capacity of "legal representative." The declaration lists a single citizenship, residence and post office address in the area provided for the third inventor. It is not clear whether this information pertains to the deceased inventor, to the legal representative, or to both. As such, the declaration does not comply with 37 CFR 1.497(b)(2). Accordingly, it would not be appropriate to accept it under 37 CFR 1.42 at this time.

CONCLUSION

The declaration is **NOT ACCEPTED** under 37 CFR 1.42, without prejudice.

If reconsideration on the merits of this matter 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 Submission Under 37 CFR 1.42." 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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13 MAR 2008

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SMITH-HILL AND BEDELL, P.C.
16100 NW CORNELL ROAD, SUITE 220
BEAVERTON OR 97006

In re Application of	:	
Orth et al.	:	
Application No. 11/569,736	:	
PCT No.: PCT/EP05/05472	:	
Int. Filing Date: 20 May 2005	:	DECISION
Priority Date: 31 May 2004	:	
Atty. Docket No.: OUTT 3547	:	
For: Direct Reduction Process Using A Single Fluidised Bed	:	

This is in response to the "Renewed Submission Under 37 CFR 1.42" filed on 17 December 2007 and the "Supplement To Renewed Submission Under 37 CFR 1.42" filed on 26 February 2008.

DISCUSSION

In a Decision mailed on 22 October 2007, the declaration of the inventors filed on 19 April 2007 was not accepted under 37 CFR 1.42, without prejudice, because

> Further examination of the declaration filed on 19 April 2007 reveals that Jeantine VAN GEMUND has signed in the capacity of "legal representative." The declaration lists a single citizenship, residence and post office address in the area provided for the third inventor. It is not clear whether this information pertains to the deceased inventor, to the legal representative, or to both. As such, the declaration does not comply with 37 CFR 1.497(b)(2). Accordingly, it would not be appropriate to accept it under 37 CFR 1.42 at this time.

In response, applicants have filed a declaration document, on 26 February 2008, which provides the citizenship of the deceased inventor and, separately, provides the name, citizenship, residence and postal address of his legal representative, who has executed the declaration on his behalf. This declaration is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b).

CONCLUSION

The declaration is **ACCEPTED** under 37 CFR 1.42.

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **26 February 2008**.

/George Dombroske/
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CHERNOFF, VILHAUER,
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601 SW Second Avenue, Suite 1600
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MAILED

APR 28 2010

OFFICE OF PETITIONS

In re Application of

Orth, et al.

Application No. 11/569,736

Filed: February 26, 2008

Attorney Docket No. **OUTT 3547**

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 23, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper response to the final Office action mailed August 18, 2009. The final Office action set a shortened statutory period for reply of three months from its mailing date. A proper response was not received within the allowable period and the application became abandoned on February 19, 2010.

The Request for Continued Examination and amendment filed February 23, 2010, are noted.

The application file is being forwarded to Technology Center, GAU 1793 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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27 JUN 2007

SMITH-HILL AND BEDELL, P.C.
16100 NW CORNELL ROAD, SUITE 220
BEAVERTON, OR 97006

In re Application of	:	
ORTH, Andreas et al.	:	
Application No.: 11/569,740	:	DECISION ON
PCT No.: PCT/EP2005/05465	:	
Int. Filing Date: 20 May 2005	:	PETITION
Priority Date: 31 May 2004	:	
Attorney Docket No.: OUTT-3545	:	UNDER 37 CFR 1.42
For: A DIRECT REDUCTION PROCESS	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371. A review of the declaration reveals an indication that joint inventor Donald Keith Philp is deceased. Applicants' submission has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 20 May 2005, applicants filed international application PCT/EP2005/05465, which claimed a priority date of 31 May 2004. A copy of the international application was transmitted to the Office by the International Bureau on 08 December 2005. The deadline for entry into the national stage in the United States was 30 November 2006.

On 28 November 2006, applicants filed 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 19 April 2007, applicants submitted a declaration of the inventors with the indication that a joint inventor was deceased.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to 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." 37 CFR 1.42.

The declaration is signed by a legal representative. The declaration must list the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. The declaration lists the information for the living inventors, and lists the information for either the deceased inventor or the legal representative, but not both. As such, the declaration does not satisfy 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

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.

Erin P. Thomson

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29 APR 2008

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16100 NW CORNELL ROAD, SUITE 220
BEAVERTON, OR 97006

In re Application of	:	
ORTH, Andreas et al.	:	
Application No.: 11/569,740	:	DECISION ON
PCT No.: PCT/EP2005/005465	:	
Int. Filing Date: 20 May 2005	:	PETITION
Priority Date: 31 May 2004	:	
Attorney Docket No.: OUTT-3545	:	UNDER 37 CFR 1.42
For: A DIRECT REDUCTION PROCESS	:	

This is a decision on applicants' renewed request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 26 February 2008.

BACKGROUND

On 27 June 2007, the Office mailed Decision On Petition, refusing applicants' request for status.

On 10 August 2007, applicants filed a renewed request for status under 37 CFR 1.42.

On 26 February 2008, applicants filed a supplement to their renewed request.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to 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." 37 CFR 1.42.

The declaration is signed by a legal representative. The declaration must list the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. The declarations filed on 19 April 2007 and on 26 February 2008 taken together satisfy 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

This application is being referred to the National Stage 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 26 February 2008.

/Erin P. Thomson/

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0 6 JUN 2008

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of	:	
Comini et al.	:	
Application No.: 11/569,746	:	DECISION
PCT No.: PCT/EP2005/005496	:	
Int. Filing Date: 20 May 2005	:	ON
Priority Date: 28 May 2004	:	
Attorney Docket No.: 038827.319703	:	PETITION
For: Process For The Preparation Of Hydrocarbyl Halides	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 03 April 2008.

BACKGROUND

This international application was filed on 20 May 2005, claimed an earlier priority date of 28 May 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 15 December 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 28 November 2006. Applicants filed *inter alia* the basic national fee on 28 November 2006.

On 03 October 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

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 seeks relief under 37 CFR 1.47(a) on the basis that joint inventor GITA, Anil, Bendale allegedly 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.

Petitioner has provided a "Declaration..." by Dr. Anand P. Gokhale describing attempts to arrange to "come to her residence to have her sign the Declaration," and that, on 05 December 2006, "she informed me over the telephone that she refused to sign the Declaration." However, the evidence currently of record does not adequately address the issue of the "presentation of the application papers" as discussed at MPEP 409.03(d). That is, petitioner has not adequately shown what efforts were undertaken to present the non-signing inventor with a complete copy of the application papers prior to the alleged refusal. The evidence of record does not, for instance, show that she "expressly stated that the application papers should not be sent." Accordingly, following the policy described at MPEP 409.03(d), it would not be appropriate to consider requirement (2) to have been satisfied at this time.

Regarding **requirement (3)**, the petition provides the last known addresses of the non-signing inventor. Accordingly, requirement (3) has been satisfied.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 04 April 2008 reveals that it is suitable for purposes of compliance with 37 CFR 1.497(a) and (b), and 1.47(a). As such, requirement (4) has 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.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

2 9 JAN 2009

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Commissioner for Patents
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of	:	
Comini et al.	:	
Application No.: 11/569,746	:	DECISION
PCT No.: PCT/EP2005/005496	:	
Int. Filing Date: 20 May 2005	:	ON
Priority Date: 28 May 2004	:	
Attorney Docket No.: 038827.319703	:	PETITION
For: Process For The Preparation Of Hydrocarbyl Halides	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 05 December 2008.

DISCUSSION

In a Decision mailed on 06 June 2008, the petition under 37 CFR 1.47(a) filed on 03 April 2008 was dismissed, without prejudice, because requirement (2)(for a factual showing of the unavailability of the non-signing inventor) had not been satisfied.

In response, petitioner has provided a "Declaration In Support Of Petition..." signed by Andrew T. Meunier, who states in part that

> I sent the filed application and the corresponding Declaration and Power of Attorney and Assignment papers to Dr. Bendale at her last known address (1102 Marathon Galaxy II, LBS Road, Mulund (W), Mumbai 400 080, India) via Federal Express on November 26, 2008. Please see Attachment A.
>
> The sent documents were delivered to Dr. Bendale's last known address on November 29, 2008 as shown in Attachment B.

Review of the Attachments reveals that they tend to corroborate Atty. Meunier's statements. However, given the brief time period between the alleged delivery of the documents on 29 November 2008 and the filing of the instant renewed petition on 05 December 2008, it would not be reasonable to conclude that Dr. Bendale was given sufficient time to review the documents, decide whether to execute the declaration, and return the signed declaration to counsel. For this reason, it would not be appropriate, on the basis of the present record, to conclude that requirement (2) has been satisfied at this time.

The duplicate $200.00 petition fee (fee code 1463) paid on 05 December 2008 was not required, and it is being refunded to Deposit Account 06-1050. Fee authority is given on page 2 of the petition filed on 05 December 2008.

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 further 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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29 MAY 2009

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CHARLOTTE NC 28280-4000

In re Application of	:	
Comini et al.	:	
Application No.: 11/569,746	:	DECISION
PCT No.: PCT/EP2005/005496	:	
Int. Filing Date: 20 May 2005	:	ON
Priority Date: 28 May 2004	:	
Attorney Docket No.: 038827.319703	:	PETITION
For: Process For The Preparation Of Hydrocarbyl Halides	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 30 March 2009.

DISCUSSION

In a Decision mailed on 29 January 2009, the renewed petition under 37 CFR 1.47(a) filed on 05 December 2008 was dismissed, without prejudice, because requirement (2)(for a factual showing of the unavailability of the non-signing inventor) had not been satisfied. The Decision explained that

> Review of the Attachments reveals that they tend to corroborate Atty. Meunier's statements. However, given the brief time period between the alleged delivery of the documents on 29 November 2008 and the filing of the instant renewed petition on 05 December 2008, it would not be reasonable to conclude that Dr. Bendale was given sufficient time to review the documents, decide whether to execute the declaration, and return the signed declaration to counsel. For this reason, it would not be appropriate, on the basis of the present record, to conclude that requirement (2) has been satisfied at this time.

In response, petitioner indicates "that it has now been more than four months since these documents were delivered to Dr. Bendale and she has still not signed the declaration. We note that the failure of Dr. Bendale to return the signed declaration is consistent with the statements made to Dr. Gokhale that she was refusing to sign the application documents." Based on the circumstances described by petitioner, in combination with the facts discussed in the previous Decision, it would be appropriate to construe Dr. Anil Bendale GITA's failure to return the executed declaration as a refusal within the meaning 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 her 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 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 **04 April 2008** (the date the declaration was filed).

/George Dombroske/
George Dombroske
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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 (Anil Bendale GITA) 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/EP2005/005496 and was filed on May 20, 2005 in the names of Andrea COMINI, Ganesh Warawdekar MAYUKH, Padmakar Gokhale ANAND, Shantilal Kasliwal RAJENDRA and Anil Bendale GITA for the invention entitled PROCESS FOR THE PREPARATION OF HYDROCARBYL HALIDES. The national stage application number is 11/569,746 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of April 4, 2008.

29 MAY 2009

United States Patent and Trademark Office

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Alexandria, VA 22313-1450
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Dr. Anil Bendale Gita
1102 Marathon Galaxy II
LBS Road, Mulund (W)
Mumbai 400 080
INDIA

In re Application of
Comini et al.
Application No.: 11/569,746
PCT No.: PCT/EP2005/005496
Int. Filing Date: 20 May 2005
Priority Date: 28 May 2004
Attorney Docket No.: 038827.319703
For: Process For The Preparation Of Hydrocarbyl Halides

Dear Dr. Gita:

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 Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
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ALSTON & BIRD LLP
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12 OCT 2007

OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL QC H3A2Y-3 CANADA

In re Application of	:	DECISION ON
ROLSTON et al	:	
Application No.: 11/569,751	:	
PCT No.: PCT/CA2004/001408	:	
Int. Filing Date: 24 July 2004	:	PETITION UNDER
Priority Date: 24 July 2003	:	
Attorney's Docket No.: 16005-3US-2 CMB/clb	:	
For: ENCAPSULATED OPTICAL	:	
PACKAGE	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 29 November 2006.

BACKGROUND

On 24 July 2004, this international application was filed, claiming an earliest priority date of 24 July 2003.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 24 January 2006. This international application became abandoned with respect to the United States at midnight on 24 January 2006 for failure to pay the required basic national fee.

On 29 November 2006, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. An executed declaration was filed at such time.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 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. The Commissioner may require additional

information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) 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 November 2006.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

0 3 MAR 2009

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JEROME D. JACKSON (JACKSON PATENT LAW OFFICE)
211 N. UNION STREET, SUITE 100
ALEXANDRIA VA 22314

In re Application of KATO et al.	:
Application No.: 11/569,753	: DECISION ON
PCT No.: PCT/JP05/10209	:
Int. Filing: 27 May 2005	: PETITION
Priority Date: 01 June 2004	:
Attorney Docket No.: 174.004	:UNDER 37 CFR 1.47(a)
For: DATA PROCESSING UNIT AND BUS ARBITRATION UNIT	:

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 05 January 2009 and applicant's subsequent petition filed on 03 February 2009. Petitioner's request for a three month extension of time is granted. .

BACKGROUND

On 29 November 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 06 August 2008, 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 05 January 2009, 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 Koichi SANO, alleging that Mr. SONO refused to sign the application and is unavailable.

On 03 February 2009, Petitioner filed the instant response along with a fully executed declaration.

DISCUSSION

Petitioner has now presented the declaration signed by inventor Koichi SONO and the joint inventors. A review of the declaration reveals that the declaration identifies and is executed by all the inventors named in the international application. The declaration states the residency, citizenship and mailing address of each inventor.

The petition under 37 CFR 1.47(a) is considered moot as declaration executed by the

previously unavailable inventor has now been submitted. The declaration is acceptable under 37 CFR 1.497(a) and (b).

CONCLUSION

For the above reasons, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

The declaration, executed by the joint inventors and submitted on 03 February 2009 is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

This application is being forwarded to United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 03 February 2009.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

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UNITED STATES PATENT AND TRADEMARK OFFICE

28 AUG 2008

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Bell, Boyd & Lloyd, LLP
P.O. Box 1135
Chicago, IL 60690

In re Application of :
BAR et al. :
U.S. Application No. 11/569,762 :
PCT No.: PCT/EP04/53012 :
Int. Filing Date: 19 November 2004 :
Priority Date: 27 January 2004 : DECISION ON PETITION
Attorney Docket No.: 112740-1143 :
For: MOBILE TERMINAL DEVICE FOR RECEIVING PACKET ORIENTED RADIO SIGNALS :

The petition to revive under 37 CFR 1.137(b) filed 14 August 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 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
Facsimile: 571-273-0459

19 FEB 2008

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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK, NY 10177

In re Application of	
DEBOER, Johannes et al.	
Application No.: 11/569,790	
PCT No.: PCT/US2004/023585	
Int. Filing Date: 23 July 2004	NOTIFICATION
Priority Date: 29 May 2004	
Docket No.: 36323/US/2-475387-314	OF
For: PROCESS, SYSTEM AND SOFTWARE ARRANGEMENT FOR A CHROMATIC DISPERSION COMPENSATION USING REFLECTIVE LAYERS IN OPTICAL COHERENCE TOMOGRAPHY (OCT) IMAGING	ABANDONMENT

This decision is in response to applicant's submission of the declaration of the inventors the above-captioned application on 17 August 2007.

BACKGROUND

On 29 November 2006, applicants timely paid the basic national fee for international application PCT/US2004/023585, filed on 23 July 2004, claiming a priority date of 29 May 2004.

On 20 April 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 03 May 2007, applicants submitted a declaration of the inventors comprised of 5 pages. It included one page each of pages 1, 2 and 5, but two pages 3 of 3.

On 02 August 2007, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required and that it appeared that applicants had pieced together pages of separately executed declarations to create a single declaration.

On 17 August 2007, applicants made a second submission of the declaration.

DISCUSSION

Neither the 03 May 2007 declaration nor the 17 August 2007 declaration is in compliance with 37 CFR 1.497(a)-(b). The first declaration was defective as applicants pieced together pieces of separately executed declarations to create a single declaration. Additionally, the declaration was defective as alterations were made in ink to the information for inventor Abraham Cense. However, those alterations

are not initialed. See MPEP 605.04(a) stating "Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration."

On 17 August 2007, applicants submitted three pages of declaration for each of the inventors. However, none of the declarations lists all of the inventors and their citizenships. 37 CFR 1.497(a). As such, each is defective.

Additionally, applicants modified the page numbers of each page of the declaration after execution by the inventors. "[I]t is emphasized that the application filed must be the application executed by the applicant and it is improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution of the oath or declaration by the applicant. MPEP 605.04(a).

Applicants have not furnished an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within the time period set forth in the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 20 April 2007. This application is abandoned. Applicants may wish to consider filing a petition under 37 CFR 1.137.

CONCLUSION

This application is **ABANDONED**.

Applicants are required to furnish a proper reply, including an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) within **TWO (2) MONTHS** of the mail date of this decision. Failure to timely reply may be construed as intentional delay. 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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30 SEP 2008

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DORSEY & WHITNEY LLP
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250 PARK AVENUE
NEW YORK, NY 10177

In re Application of	
DEBOER, Johannes et al.	
Application No.: 11/569,790	
PCT No.: PCT/US2004/023585	
Int. Filing Date: 23 July 2004	DECISION ON
Priority Date: 29 May 2004	
Docket No.: 36323/US/2-475387-314	PETITION
For: PROCESS, SYSTEM AND SOFTWARE ARRANGEMENT FOR A CHROMATIC DISPERSION COMPENSATION USING REFLECTIVE LAYERS IN OPTICAL COHERENCE TOMOGRAPHY (OCT) IMAGING	UNDER 37 CFR 1.137(b)

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 11 April 2008 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 reply 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.

Applicant has furnished a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b).

This application is being forwarded to the National Stage 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 11 April 2008.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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APR 20 2010

OFFICE OF PETITIONS

In re Application of :
Dempster :
Application No. 11/569,796 : DECISION ON PETITION
Filed: November 29, 2006 :
Attorney Docket No. 24043-12317 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 28, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed June 24, 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 2128 for appropriate action by the Examiner in the normal course of business on the reply received December 28, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

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DEC 0 3 2009

OFFICE OF PETITIONS

In re Application of :
RITCHIE, Timothy et al. :
Application No. 11/569,802 : DECISION ON PETITION
Filed: January 04, 2007 : TO WITHDRAW
Attorney Docket No. **093286-0121** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 15, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Foley and Lardner LLP has been revoked by the assignee of the patent application on November 20, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **FANELLI STRAIN & HAAG PLLC**
1455 PENNSYLVANIA AVE., N.W.
SUITE 400
WASHINGTON DC 20004

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JUN 29 2010

OFFICE OF PETITIONS

ELI LILLY & COMPANY
PATENT DIVISION
P.O. BOX 6288
INDIANAPOLIS IN 46206-6288

In re Application of :
Li, et al. :
Application No. 11/569,809 : ON APPLICATION FOR
Filed: November 30, 2006 : PATENT TERM ADJUSTMENT
Atty Docket No. X-16872M

This is in response to the "REQUEST FOR RECOSNDIERATION OF PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF ALLOWANCE (37 C.F.R. § 1.705, filed March 31, 2010. The petition is properly treated under 37 CFR 1.705(b). Applicants submit that the correct patent term adjustment to be indicated on the patent is a minimum of four hundred and forty-eight (448) days, not four hundred and nineteen (419) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

Deposit account 05-0840 will be charged $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).

---

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

Mail Date: 04/21/2010

Applicant	: Jarl Fredrik Serlachius	: DECISION ON REQUEST FOR
Patent Number	: 7585261	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/569,831	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **88** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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LOWE, HAUPTMAN, HAM & BERNER, LLP (ITW)
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

Mail Date: 04/27/2010

Applicant	: Frederic Nayrac	: DECISION ON REQUEST FOR
Patent Number	: 7600662	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/569,872	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2006	: 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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2 EAST MIFFLIN STREET
SUITE 600
MADISON WI 53703-2865

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OFFICE OF PETITIONS

In re Application of

KUMAR, Rajah V.
Application No. 11/569,917
Filed: December 01, 2006
Attorney Docket No. **88870.009**

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 04, 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 Charles Sara on behalf of all attorneys of record who are associated with customer No. 25005. All attorneys/agents associated with the Customer Number 25005 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Dr. Rajah V. Kumar 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: **DR. RAJAH V. KUMAR**
S-CARD, CAMPUS
SEEGAHALLI MAIN ROAD
VIRGONAGAR BANGALOR 560 049

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In re Application of
William Toreki

Application No. 11569942

Filed: December 1,2006

Attorney Docket No. QMT1.101-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 06-AUG-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), 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 inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

12 MAY 2008

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
GOLDBAUM	:	DECISION ON PETITION
U.S. Application No.: 11/569,957	:	
PCT No.: PCT/US05/19289	:	UNDER 37 CFR 1.497(d)
Int. Filing Date: 03 June 2005	:	
Priority Date: 03 June 2004	:	
Atty Docket No.: Q98779	:	
For: ISOLATED CHIMERIC PROTEINS OF MODIFIED LUMAZINE SYNTHASE	:	

This decision is in response to applicant's correspondence filed 17 March 2008 in the United States Patent and Trademark Office (USPTO) which includes a petition under 37 CFR 1.497(d) to add inventors to the present U.S. National stage application.

BACKGROUND

On 03 June 2005, applicant filed international application PCT/US05/19289, which claimed priority of an earlier application filed 03 June 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 03 December 2006.

On 01 December 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 Application data Sheet and a preliminary amendment.

On 31 May 2007, applicant filed an execute declaration of the inventors.

On 17 December 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 inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date as the declaration filed 31 May 2007 appeared to be compiled and listed inventors not listed on the published international application. 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 17 March 2008, applicant responded with the present petition accompanied by a

petition for a one-month extension of time and payment of the appropriate extension of time fee. With the payment of the extension of time fee, the present response is considered timely filed.

DISCUSSION

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

As to Item (1), applicant has provided statements from the nine inventors being added declaring that the errors in inventorship occurred without deceptive intent.

Regarding Item (2), applicant has currently filed a compliant combined declaration and power of attorney executed by the correct inventors.

As Item (3), applicant has provided authorization to charge deposit account number 19-4880 the $130.00 petition fee.

Regarding Item (4), applicant has provided the written consent of the assignee.

As such, applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application has an international application filing date of 03 June 2005 and will be given a date of **17 March 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

20 DEC 2006

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LOS ANGELES CA 90010

In re Application of	:	
LEE	:	
Application No.: 11/569,959	:	DECISION ON
PCT No.: PCT/KR2005/000492	:	
Int. Filing Date: 24 February 2005	:	PETITION UNDER
Priority Date: 02 March 2004	:	
Attorney Docket No.: 2088-012	:	37 CFR 1.137(b)
For: PERCUSSION INSTRUMENT USING TOUCH SWITCH	:	

This decision is in response to applicants' submission filed 01 December 2006.

BACKGROUND

On 24 February 2005, applicant filed international application PCT/KR2005/000492 which designated the U.S. and claimed a priority date of 02 March 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 09 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 September 2006 (02 September 2006 being a Saturday and 04 2006 being a Federal holiday).

On 01 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, a declaration of the inventor, 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 01 December 2006.

As to item (2), applicant submitted the petition fee on 01 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.

Declaration of Inventors

The declaration of the inventor filed 01 December 2006 is in compliance with 37 CFR 1.497(a)-(b). 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 has been charged to Deposit Account 50-3566.

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.

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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Oppedahl Patent Law Firm LLC
P O Box 5940
Dillon, CO 80435-5940

Mail Date: 04/20/2010

Applicant	: Michal Habrovec	: DECISION ON REQUEST FOR
Patent Number	: 7645429	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/569,962	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/02/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

UNITED STATES PATENT AND TRADEMARK OFFICE

25 JUL 2008

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Blackwell Sanders LLP
720 Olive Street, Suite 2400
St. Louis, MO 63101

In re Application of:
BULLER
U.S. Application No.: 11/569,963
PCT Application No.: PCT/US05/18682
Int. Filing Date: 26 May 2005
Priority Date: 03 June 2004
Attorney's Docket No.: 60216.3
For: METHODS AND COMPOSITIONS FOR VACCINATION

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is in response to the "Petition For Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 08 January 2008.

The petition under 37 CFR 1.137(b) is **GRANTED**.

BACKGROUND

On 26 May 2005, applicants filed international application no. PCT/US05/18682 designating the United States and claiming a priority date of 03 June 2004. Accordingly, the deadline for paying the basic national fee expired at midnight of 03 December 2006.

On 02 December 2006, applicant filed via EFS-Web a submission to enter the national stage in the United States. Applicant did not submit the basic national fee.

On 01 October 2007, a "Notification of Abandonment" was mailed to applicant indicating that the present application is abandoned for failure to timely pay the full basic national fee.

On 08 January 2008, applicant filed the petition under 37 CFR 1.137(b) considered herein.

DISCUSSION

Pursuant to 37 CFR 1.137(b), applicants may petition to revive an application that was abandoned unintentionally. Under 37 CFR 1.137(b), the petition must be accompanied by: (1) a proper reply, unless previously filed, (2) the petition fee under 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 was unintentional", (4) a terminal disclaimer and fee (where required).

With respect to item (1), a review of the application reveals that applicant has paid the full basic national fee.

With respect to item (2), the petition fee has been paid.

With respect to item (3), the petition includes the requisite statement of unintentional delay.[1]

With respect to item (4), a terminal disclaimer is not required.

CONCLUSION

For the above reasons, the petition to revive under 37 CFR 1.137(b) is **GRANTED.**

The application is being returned to the National Stage Processing Branch for continued processing.

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3288
Facsimile: (571) 273-0459

[1] Applicant is advised that 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 a 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 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 inquiry has not been made, petitioner must make such 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, the petitioner must notify the Office.

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SHARP KABUSHIKI KAISHA
C/O KEATING & BENNETT, LLP
1800 ALEXANDER BELL DRIVE, SUITE 200
RESTON, VA 20191

MAILED

JAN 15 2010

OFFICE OF PETITIONS

In re Application of :
Naoki TAKEDA, et *al.* :
Application No. 11/569,994 : DECISION GRANTING PETITION
Filed: December 4, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **70404.122/MA** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 13, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 10, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2874 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

23 SEP 2008

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PRTSI
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Arlington VA 22215

In re Application of	:	
Rothschild	:	
Application No.: 11/569,996	:	
PCT No.: PCT/IL2005/000582	:	
Int. Filing Date: 02 June 2005	:	DECISION
Priority Date: 02 June 2004	:	
Attorney Docket No.: 584/05574	:	
For: Assisting Passengers To Sleep While Sitting	:	

This is in response to the submission under 37 CFR 1.497(d) filed on 11 August 2008.

BACKGROUND

This international application was filed on 02 June 2005, claimed an earlier priority date of 02 June 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 15 December 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 04 December 2006 (since 02 December 2006 was a Saturday). Applicant filed *inter alia* the basic national fee on 04 December 2006.

On 02 October 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), and noting that the "signature of the second inventor Mr. Yaron DAGAN is missing from the declaration filed on 04 Dec 2006."

On 29 November 2007, applicant filed a response.

On 11 July 2008, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicant, noting that the "signature of the second inventor Yaron DAGAN is missing from the declaration filed on 29 November 2007."

DISCUSSION

Inspection of the declaration filed on 04 December 2006 reveals that it includes an un-initialed alteration, and does not name Mr. Dagan. Likewise, the declaration filed on 29 November 2007 (a copy of which was filed on 11 August 2008) reveals that it also fails to nominate Mr. Dagan, who was named as an inventor in the published international application. The instant "Petition To Correct Inventor's Names" is being treated under 37 CFR 1.497(d). 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)).

Regarding requirement (1), applicants have provided an appropriate statement signed by Yaron Dagan.

Regarding requirement (2), the instant submission authorizes that the required processing fee be charged to counsel's Deposit Account 50-1407.

Regarding requirement (3), counsel presents a document entitled "Assignee's Consent To Correction Of Inventorship" which indicates that an assignment was "recorded on May 12, 2007, at Reel 020197, Frame 0862," which asserts that Michael Rothschild and Amit Stekel are "the owners of the entire right, title and interest" in the present application, and which is signed by Michael Rothschild and Amit Stekel. The document indicates that the assignees consent to the deletion of Yaron Dagan as an inventor. However, though there are two assignees, no indication of the extent (percentage) of the ownership interest of each assignee is provided, per 37 CFR 3.73(c)(2). Therefore, it would not be appropriate to consider requirement (3) to have been satisfied on the basis of the present record.

DECISION

The declaration filed on 29 November 2007 is **NOT ACCEPTED** under 37 CFR 1.497(d), without prejudice.

If reconsideration on the merits of this matter is desired, 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. No additional processing fee is required.

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

05 JAN 2009

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

PRTSI
P.O. Box 16446
Arlington VA 22215

In re Application of	:	
Rothschild	:	
Application No.: 11/569,996	:	
PCT No.: PCT/IL2005/000582	:	
Int. Filing Date: 02 June 2005	:	DECISION
Priority Date: 02 June 2004	:	
Attorney Docket No.: 35527; previously 584/05574	:	
For: Assisting Passengers To Sleep While Sitting	:	

This is in response to the renewed submission under 37 CFR 1.497(d) filed on 04 November 2008.

DISCUSSION

In a Decision mailed on 23 September 2008, the submission under 37 CFR 1.497(d) filed on 11 August 2008 was treated, and the declaration filed on 29 November 2007 was not accepted, without prejudice. The Decision stated (in part) that

> Regarding requirement (3), counsel presents a document entitled "Assignee's Consent To Correction Of Inventorship" which indicates that an assignment was "recorded on May 12, 2007, at Reel 020197, Frame 0862," which asserts that Michael Rothschild and Amit Stekel are "the owners of the entire right, title and interest" in the present application, and which is signed by Michael Rothschild and Amit Stekel. The document indicates that the assignees consent to the deletion of Yaron Dagan as an inventor. However, though there are two assignees, no indication of the extent (percentage) of the ownership interest of each assignee is provided, per 37 CFR 3.73(c)(2). It is noted that the recorded assignment indicates percentage ownership, but the consent document does not. Therefore, it would not be appropriate to consider requirement (3) to have been satisfied on the basis of the present record.

In response, counsel presents a new "Assignee's Consent To Correction Of Inventorship," which indicates that Michael Rothschild is the owner of 75% interest in the application and that Amit Stekel is the owner of the remaining 25%. The document states the reel and frame numbers where an assignment is recorded in the records of the USPTO. The "Consent..." document explicitly states that the assignees consent to the deletion of Yaron DAGAN as an inventor. The "Consent..." document has been signed by both of the assignees. This satisfies the requirements of 37 CFR 1.497(d)(3) and 37 CFR 3.73(b). As such, all of the requirements for relief under 37 CFR 1.497(d) have been satisfied.

It is noted that the declaration filed on 04 December 2006 is defective because the hand-written alteration of the application number data was not initialed.

DECISION

The declaration filed on 29 November 2007 is **ACCEPTED** under 37 CFR 1.497(d).

This application is being forwarded to the Office of Patent Application Processing. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **29 November 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

UNITED STATES DEPARTMENT OF COMMERCE
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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

Mail Date: 05/12/2010

Applicant	: Hiroyuki Nishio	: DECISION ON REQUEST FOR
Patent Number	: 7663361	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/569,998	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **621** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

RECEIVED
- 6 NOV 2007
Legal Staff
International Division

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Professional Corporation

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NEW YORK
SEATTLE
WASHINGTON, D.C.
FRANKFURT

INTELLECTUAL PROPERTY LAW

DATE: November 6, 2007

FILE #20987/0205808-US0:

FACSIMILE NO.	RECIPIENT AND COMPANY	CONFIRMATION WILL FOLLOW
571-273-0459	PCT Legal Dept Patent & Trademark Office	No

FROM: Julian A. Williams E-MAIL: jwilliams@darbylaw.com

PHONE: 917.286.2940

NO. OF PAGES: 10
(including cover page)

COMMENTS:

PLEASE RETURN TO JULIAN A. WILLIAMS

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{W:\jaw\misc\01118919.DOC }

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Docket No.: 20987/0205808-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Takeyoshi et. al.

Serial No.: 11/570,002

Filed: December 4, 2006

For: HEAT-SHRINKABLE LAIMINATE FILM, MOLDED PRODUCT AND HEAT-SHRINKABLE LABEL EMPLOYING THE FILM, AND CONTAINER

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.

2. There is an error with respect to the following data, which is:

☐ incorrectly entered

and/or

☒ omitted.

	Error in	Correct data
☐	Applicant's name	
☐	Applicant's address	
☐	Title	
☐	Filing Date	
☐	Application Number	
☐	Foreign/PCT Application Re:	
☒	Other	Power of Attorney Patent Practitioners associated with Customer Number **07278**

Remarks:

Enclosed please find a copy of the Executed Declaration.

The Commissioner is respectfully requested to issue a new and correct Filing Receipt.

Respectfully submitted,

Dated: November 6, 2007

Flynn Barrison
Reg. No. 53,970
Agent for Applicant(s)

DARBY & DARBY P.C.
P.O.Box 770
Church Street Station
New York, NY 10008-0770

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UNITED STATES DEPARTMENT OF COMMERCE
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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
11/570,002	12/04/2006	3754	900	20987/0205808-US0	16	2

CONFIRMATION NO. 5899

7278
DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York, NY 10008-0770

FILING RECEIPT

OC000000026426961

Date Mailed: 10/25/2007

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)

Takeyoshi Yamada, Shiga, JAPAN;
Takashi Hiruma, Shiga, JAPAN;
Yukihiro Tanaka, Shiga, JAPAN;
Jun Takagi, Shiga, JAPAN;
Hideyasu Miyazaki, Shiga, JAPAN;

Assignment For Published Patent Application

Mitsubishi Plastics, Inc., Tokyo, JAPAN

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP05/10083 06/01/2005

Foreign Applications

JAPAN 2004-165344 06/03/2004
JAPAN 2004-283593 09/29/2004
JAPAN 2004-326967 11/10/2004

If Required, Foreign Filing License Granted: 10/23/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/570,002**

Projected Publication Date: 01/31/2008

Non-Publication Request: No

Early Publication Request: No

Computer Jaw
D&D Entry Jaw
Loose leaf
Folder Jaw
Card
Letter
Foreign Flg.

Title

Heat-Shrinkable Laminate Film, Molded Product and Heat Shrinkable Label Employing the Film, and Container

Preliminary Class

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PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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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).

MJ-069-US
(358)

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Declaration and Power of Attorney for Patent Application

特許出願宣言書及び委任状

Japanese Language Declaration

日本語宣言書

私は、以下に記名された発明者として、ここに下記の通り宣言する：

As a below named inventor, I hereby declare that:

私の住所、郵便の宛先及び国籍は、私の氏名の後に記載された通りである。

My residence, post office address, and citizenship are as stated next to my name.

下記の名称の発明について、特許請求範囲に記載され、且つ特許が求められている発明主題に関して、私は、最初、最先且つ唯一の発明者である（唯一の氏名が記載されている場合）か、或いは最初、最先且つ共同発明者である（複数の氏名が記載されている場合）と信じている。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

HEAT-SHRINKABLE LAMINATE FILM, MOLDED PRODUCT AND HEAT-SHRINKABLE LABEL EMPLOYING THE FILM, AND CONTAINER

上記発明の明細書はここに添付されているが、下記の欄がチェックされている場合は、この限りでない：

the specification of which is attached hereto unless the following box is checked:

☐ _____ の日に出願され、

この出願の米国出願番号またはＰＣＴ国際出願番号は、

_____ であり、且つ

_____ の日に補正された出願（該当する場合）

☒ was filed on June 1, 2005

as United States Application Number or

PCT International Application Number

PCT/JP2005/010083 and was amended on

_____ (if applicable).

私は、上記の補正書によって補正された、特許請求範囲を含む上記明細書を検討し、且つ内容を理解していることをここに表明する。

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、連邦規則法典第３７編第１．５６に定義されている、特許性について重要な情報を開示する義務があることを認める。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

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(日本語宣言書)

私は、ここに、以下に記載した外国での特許出願または発明者証の出願、或いは本国以外の少なくとも一国を指定している米国法典第35編第365条(a)によるPCT国際出願について、同第119条(a)-(d)項又は第365条(b)項に基づいて優先権を主張するとともに、優先権を主張する本出願の出願日よりも前の出願日を有する外国での特許出願または発明者証の出願、或いはPCT国際出願については、いかなる出願も、下記の欄内をチェックすることにより示した。

I hereby claim foreign priority under Title 35, United States Code Section 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365 (a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent, or inventor's certificate, or PCT International application having a filing date before that of the application for which priority is claimed.

Prior Foreign Application(s) 外国での先行出願			Priority Not Claimed 優先権を主張なし
2004-165344 (Number) (番号)	Japan (Country) (国名)	3/June/2004 (Day/Month/Year Filed) (出願日/月/年)	☐
2004-283593 (Number) (番号)	Japan (Country) (国名)	29/September/2004 (Day/Month/Year Filed) (出願日/月/年)	☐

私は、ここに、下記のいかなる米国仮特許出願についても、その米国法典第35編119条(e)項の利益を主張する。

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

(Application No.) (出願番号)	(Filing Date) (出願日)
(Application No.) (出願番号)	(Filing Date) (出願日)

私は、ここに、下記のいかなる米国出願についても、その米国法典第35編第120条に基づく利益を主張し、又米国を指定するいかなるPCT国際出願についても、その米国法典第365条(c)に基づく利益を主張する。また、本出願の各特許請求の範囲の主題が、米国法典第35編第112条第1項に規定された態様で、先行する米国出願又はPCT国際出願に開示されていない場合においては、その先行出願の出願日と本国内出願日またはPCT国際出願日との間の期間中に入手された情報で、連邦規則集第37編規則1.56に定義された特許性に関わる重要な情報について開示義務があることを認識する。

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(Application No.) (出願番号)	(Filing Date) (出願日)	(Status Patented, Pending, Abandoned) (現況:特許許可、係属中、放棄)
(Application No.) (出願番号)	(Filing Date) (出願日)	(Status Patented, Pending, Abandoned) (現況:特許許可、係属中、放棄)

私は、ここに表明された私自身の知識に係わる陳述が真実であり、且つ情報と信ずることに基づく陳述が、真実であると信じられることを宣言し、さらに、故意に虚偽の陳述などを行った場合は、米国法典第18編第1001条に基づき、罰金または拘禁、若しくはその両方により処罰され、またそのような故意による虚偽の陳述は、本出願またはそれに対して発行されるいかなる特許も、その有効性に問題が生ずることを理解した上で陳述が行われたことを、ここに宣言する。

I hereby declare 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 Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Japanese Language Declaration
（日本語宣言書）

委任状： 私は本出願を審査する手続を行い、且つ米国特許商標庁との全ての業務を遂行するために、記名された発明者として、下記の弁護士及び／または弁理士を任命する。（氏名及び登録番号を記載すること）

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: *(list name and registration number).*

Practitioners associated with Customer Number 07278:

書類送付先
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257

Send Correspondence to:
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New York, New York 10150-5257

直通電話連絡先：（氏名及び電話番号）
Joseph R. Robinson (212) 527-7700

Direct Telephone Calls to: *(name and telephone number)*
Joseph R. Robinson (212) 527-7700

唯一または第一発明者氏名	Full name of sole or first inventor Takeyoshi Yamada
発明者の署名　日付	Inventor's signature　Date Takeyoshi Yamada　October 31, 2006
住所	Residence Shiga, Japan
国籍	Citizenship Japan
郵便の宛先	Post Office Address c/o Mitsubishi Plastics, Inc., Nagahama Plant, 5-8, Mitsuya-cho, Nagahama-shi, Shiga 5268660 Japan

第二共同発明者がいる場合、その氏名	Full name of second joint inventor, if any Takashi Hiruma
第二共同発明者の署名　日付	Second inventor's signature　Date Takashi Hiruma　November 2, 2006
住所	Residence Shiga, Japan
国籍	Citizenship Japan
郵便の宛先	Post Office Address c/o Mitsubishi Plastics, Inc., Nagahama Plant, 5-8, Mitsuya-cho, Nagahama-shi, Shiga 5268660 Japan

（第三以下の共同発明者についても同様に記載し、署名をすること）

(Supply similar information and signature for third and subsequent joint inventors.)

PTO/SB/106 (05-00)
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	Full name of third joint inventor, if any Yukihiro Tanaka
発明者の署名 日付	Inventor's signature Date Yukihiro Tanaka 2/November/2006
住所	Residence Shiga, Japan
国籍	Citizenship Japan
郵便の宛先	Post Office Address c/o Mitsubishi Plastics, Inc., Nagahama Plant, 5-8, Mitsuya-cho, Nagahama-shi, Shiga 5268660 Japan

	Full name of fourth joint inventor, if any Jun Takagi
発明者の署名 日付	Inventor's signature Date Jun Takagi November 2, 2006
住所	Residence Shiga, Japan
国籍	Citizenship Japan
郵便の宛先	Post Office Address c/o Mitsubishi Plastics, Inc., Nagahama Plant, 5-8, Mitsuya-cho, Nagahama-shi, Shiga 5268660 Japan

	Full name of fifth joint inventor, if any Hideyasu Miyazaki
発明者の署名 日付	Inventor's signature Date Hideyasu Miyazaki November 2, 2006
住所	Residence Shiga, Japan
国籍	Citizenship Japan
郵便の宛先	Post Office Address c/o Mitsubishi Plastics, Inc., Nagahama Plant, 5-8, Mitsuya-cho, Nagahama-shi, Shiga 5268660 Japan

	Full name of sixth joint inventor, if any
発明者の署名 日付	Inventor's signature Date
住所	Residence
国籍	Citizenship
郵便の宛先	Post Office Address

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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0 5 OCT 2007

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
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SOUTHFIELD MI 48075

In re Application of GEORGE et al.	
Application No.: 11/570,003	DECISION ON PETITION
PCT No.: PCT/AU05/00800	
Int. Filing: 03 June 2005	UNDER 37 CFR 1.47(a)
Priority Date: 04 June 2004	
Attorney Docket No.: POZ 0101 PUSA	
For: SAFETY 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 12 June 2007, to accept the application without the signature of joint inventor Adrian Pennisi.

BACKGROUND

On 04 December 2006, applicant filed a request for 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 12 June 2007, applicant filed a declaration of attorney John E. Nemazi, along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The declaration is treated as a petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requesting the acceptance of the application without the signature of inventor Adrian Pennisi, alleging that Mr. Pennisi is unavailable to sign the application.

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).

However the submission did not include the requisite petition fee. Thus, the petition under 37 CFR 1.47(a) must be dismissed at this time.

Applicant is advised of MPEP Section 409.03(d), where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The statement of facts must be signed, where at all possible, by a

person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

It is noted that the declaration submitted on 12 June 2007 is a three page declaration, comprised of five pages. The declaration contains Page 1 and two duplicate Page 2 signature pages and two duplicate Page 3 signature pages. Each Page 2 and Page 3 is executed by different inventors. The declaration appears to be a composite declaration created from the combination of separately executed declarations. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." *See* MPEP 201.03. The declaration is unacceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met.

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.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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13 DEC 2007

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SOUTHFIELD MI 48075

In re Application of GEORGE et al.	:
Application No.: 11/570,003	: DECISION ON PETITION
PCT No.: PCT/AU05/00800	:
Int. Filing: 03 June 2005	: UNDER 37 CFR 1.47(a)
Priority Date: 04 June 2004	:
Attorney Docket No.: POZ 0101 PUSA	:
For: SAFETY 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 05 December 2007, to accept the application without the signature of joint inventor Adrian Pennisi.

BACKGROUND

On 04 December 2006, applicant filed a request for 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 12 June 2007, applicant filed a declaration of attorney John E. Nemazi, along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The declaration is treated as a petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requesting the acceptance of the application without the signature of inventor Adrian Pennisi, alleging that Mr. Pennisi is unavailable to sign the application.

On 05 October 2007, a decision dismissed the petition for lack of the petition fee.

On 05 December 2007, applicant filed a renewed petition along with three executed declarations.

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 submitted the requisite petition fee, satisfying Item (1). Petitioner has now filed acceptable declarations on behalf of the nonsigning inventor, satisfying Item (4).

With regard to Item (2), Petitioner has not provided any evidence to support the conclusion that the nonsigning inventor refuses to sign or is unavailable.

Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal, states, in pertinent 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.... 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 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.

MPEP Section 409.03(d) further states with regard to an inventor's unavailability: Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as

opposed to conclusions.

With regard to Item (3), Petitioner has not yet provided a statement of the nonsigning inventor's last known address.

In sum, Petitioner has satisfied Items (1), (3) and (4) above. However, 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 11/570,003 (specification, including claims, drawings, and declaration)* to the nonsigning inventor for his signature and (2) Mr. Pennisi's refusal to sign, either in writing or by telephone, these documents.

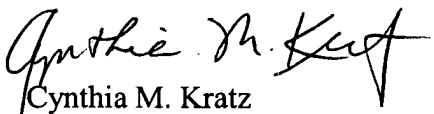
For the reasons set forth above, the evidence submitted does not support a finding that the nonsigning inventor refuses to sign the application at this time. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

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.



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08 MAY 2008

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In re Application of GEORGE et al.	:
Application No.: 11/570,003	: DECISION ON PETITION
PCT No.: PCT/AU05/00800	:
Int. Filing: 03 June 2005	: UNDER 37 CFR 1.47(a)
Priority Date: 04 June 2004	:
Attorney Docket No.: POZ 0101 PUSA	:
For: SAFETY 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 13 March 2008, to accept the application without the signature of joint inventor Adrian Pennisi. Petitioner requests a one month extension of time, which is granted.

BACKGROUND

On 04 December 2006, applicant filed a request for 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 12 June 2007, applicant filed a declaration of attorney John E. Nemazi, along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The declaration is treated as a petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requesting the acceptance of the application without the signature of inventor Adrian Pennisi, alleging that Mr. Pennisi is unavailable to sign the application.

On 05 October 2007, a decision dismissed the petition for lack of the petition fee.

On 05 December 2007, applicant filed a renewed petition along with three executed declarations. On 13 December 2007, a decision dismissing the petition was mailed, indicating that Petitioner had not provided any evidence to support the conclusion that the nonsigning inventor refuses to sign or 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).

Items (1), (3) and (4) are satisfied.

Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), states, in pertinent part, with regard to an inventor's unavailability: Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. *Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement.* The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. *It is important that the statement contain facts as opposed to conclusions.*

Here, a statement from Renata Downing was provided. However, copies of documentary evidence such as internet search, were not provided and made a part of the statement. Further documentary evidence of the internet search which was conducted is needed. Furthermore, the declaration of the Pozilok Holdings Party, Ltd. indicated that a letter was mailed to Mr. Pennisi at his last known address. However, a copy of this letter and the proof of its delivery was not attached to this statement. Such proof is required if it is to be relied upon.

Petitioner has satisfied Items (1), (3) and (4) above. However, Petitioner has not yet satisfied Item (2). For the reasons set forth above, the evidence submitted does not support a finding that the nonsigning inventor is unavailable or refuses to sign the application at this time. 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.

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11 DEC 2008

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SOUTHFIELD MI 48075

In re Application of GEORGE et al.	
Application No.: 11/570,003	DECISION ON PETITION
PCT No.: PCT/AU05/00800	
Int. Filing: 03 June 2005	UNDER 37 CFR 1.47(a)
Priority Date: 04 June 2004	
Attorney Docket No.: POZ 0101 PUSA	
For: SAFETY 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 08 October 2008, to accept the application without the signature of joint inventor Adrian Pennisi. Petitioner requests a three month extension of time, which is granted.

BACKGROUND

The procedural history of this application is incorporated by reference from decisions mailed on 05 October, 13 December 2007 and 08 May 2008.

On 08 May 2008, a decision was mailed indicating that applicant had not provided a copy of the documents referenced in the statement of facts in support of the inventor's refusal or unavailability to sign. Petitioner provided such documentation in the renewed petition filed on 08 October 2008.

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).

Items (1), (3) and (4) were previously satisfied.

Copies of documentary evidence such as internet search, were provided and the proof of its delivery was attached to the renewed petition. Petitioner has now satisfied Item (2). In light of the evidence submitted, it can be concluded that the nonsigning inventor is unavailable. 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 declarations filed 05 December 2007. The application has an international filing date of 03 June 2005 under 35 U.S.C. 363, and a date of 05 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.

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11 DEC 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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ADRIAN PENNISI
35 REDWOOD ST.
STAFFORD, QLD 4053
AUSTRALIA

In re Application of GEORGE et al.	:
Application No.: 11/570,003	: DECISION ON PETITION
PCT No.: PCT/AU05/00800	:
Int. Filing: 03 June 2005	: UNDER 37 CFR 1.47(a)
Priority Date: 04 June 2004	:
Attorney Docket No.: POZ 0101 PUSA	:
For: SAFETY SYSTEM AND METHOD	:

Dear Mr. Pennisi:

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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AUSTIN, TX 78701

Mail Date: 04/21/2010

Applicant	: Fadi Adileh	: DECISION ON REQUEST FOR
Patent Number	: 7632432	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/570,012	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **192** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

27 SEP 2007

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In re Application of :
HUANG et al. :
U.S. Application No. 11/570,014 : DECISION ON PETITION
PCT No.: PCT/US05/18196 :
It. Filing Date: 23 May 2005 :
Priority Date: 04 June 2004 :
Attorney Docket No.: YOR920040245US2 :
For: FABRICATION OF INTERCONNECT STRUCTURES :

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 26 July 2007 to accept the application without the signature of joint-inventor, Hyungjun KIM.

BACKGROUND

On 23 May 2005, applicants filed international application PCT/US05/18196 which claimed a priority date of 04 June 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 international filing date, 04 December 2006.

On 04 December 2006, applicants filed a transmittal letter 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); a copy of the international application; and a preliminary amendment.

On 27 April 2007, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 26 July 2007, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR

1.17, (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 behalf of the nonsigning joint inventor. Items (1) and (3) have been satisfied.

As to item (2), petitioner states that Hyungjun KIM cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> 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.
>
> 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.

A review of the present petition reveals that petitioner has not provided an acceptable showing that a diligent effort was made to locate the nonsigning inventor, Hyungjun KIM. No documentary evidence to support the failed attempts were provided with the present petition. As stated above, copies of documentary evidence such as internet searches, certified mail return receipt, cover letter of instructions, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts.

Regarding item (4), 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.

The 26 July 2007 submission included an executed declaration. However, this declaration is not in compliance with 37 CFR 1.497. Specifically, the declaration appears to be a compilation; two copies of the same signature page has apparently been combined

with a single copy of the first two pages of the declaration. Such compilation is impermissible (see MPEP § 201.03, page 200-7: "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration"). Accordingly, a declaration in compliance with 37 CFR 1.497 is still required.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Hyungjun KIM under 37 CFR 1.47(a) at this time.

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) MONTH** 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.

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, 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 8 FEB 2008

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In re Application of	:	
HUANG et al.	:	
U.S. Application No. 11/570,014	:	DECISION ON PETITION
PCT No.: PCT/US05/18196	:	
It. Filing Date: 23 May 2005	:	
Priority Date: 04 June 2004	:	
Attorney Docket No.: YOR920040245US2	:	
For: FABRICATION OF INTERCONNECT STRUCTURES	:	

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 21 November 2007. In a decision dated 27 September 2007, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Hyungjun KIM, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 21 November 2007 with the present petition was executed by the named inventor, the previous non-signing inventor, Hyungjun KIM. The declaration filed 21 November 2007 is acceptable under 37 CFR 1.497.

For the reasons above, the petition under 37 CFR 1.47(a) is **DISMISSED as MOOT**.

The application has an international filing date of 23 May 2005 under 35 U.S.C. 363 and a date of 21 November 2007 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
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PATENT DEPARTMENT
98 SAN JACINTO BLVD.
SUITE 1500
AUSTIN, TX 78701-4039

MAILED

OCT 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Reiner Lederle, et al.	:	
Application No. 11/570,016	:	DECISION GRANTING PETITION
Filed: December 4, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 071308.0777	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 13, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Eric M. Grabski appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Grabski desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 8, 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 concerning the examination or status of this application should be directed to the Technology Center.

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

This application is being referred to Technology Center AU 3747 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

cc: KING & SPALDING, LLP
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0 1 OCT 2007

NICOLAS E. SECKEL
Patent Attorney
1250 Connecticut Avenue, NW Suite 700
WASHINGTON DC 20036

In re Application of :
Combes et al. :
Application No.: 11/570,026 :
PCT No.: PCT/FR05/50393 :
Int. Filing Date: 31 May 2005 : DECISION
Priority Date: 03 June 2004 :
Attorney Docket No.: PSA0406026 :
For: Double-Clutch Transmission Element For A Hybrid :
Pull Chain Of A Motor Vehicle, Method Of Mounting Same,:
And Motor Vehicle Equipped With One Such Element :

This is in response to the "Request For Corrected Notice of Acceptance, Request For Refund And Request For Corrected Filing Receipt" filed on 12 July 2007.

BACKGROUND

This international application was filed on 31 May 2005, claimed an earliest priority date of 03 June 2004, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 15 December 2005. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 04 December 2006 (since 03 December 2006 was a Sunday). On 04 December 2006, applicants filed *inter alia* the basic national fee.

On 06 February 2007, applicants filed *inter alia* a declaration document and the surcharge under 37 CFR 1.492(h).

On 06 June 2007, a Notice of Acceptance (Form PCT/DO/EO/903) was mailed to applicants, indicating the date of this application under 35 U.S.C. 371(c)(1), (2) and (4) to be "02/06/2007."

DISCUSSION

Petitioner urges that the requirements of 35 U.S.C. 371(c)(1), (2) and (4) were satisfied on 04 December 2006, indicating that "the inventors filed a declaration in the international stage. A copy of that declaration was filed with the national stage application on December 4, 2006." Inspection of the declaration filed under PCT Rule 4.17(iv) reveals that the S-signatures appearing thereon are improper. *See* 37 CFR 1.4(d)(2)(iii). For petitioner's convenience, a copy of a page from the www.uspto.gov site showing examples of proper and improper signatures is attached hereto. For these reasons, 35 U.S.C. 371(c)(4) was not satisfied until the filing of the acceptable declaration on 06 February 2007. As such, it would not be appropriate to grant the request for an earlier date under 35 U.S.C. 371(c)(1), (2) and (4).

Petitioner requests refund of the $130.00 surcharge under 37 CFR 1.492(h) "since the requirements for national stage entry were met on December 4, 2006." However, as explained

above, the first declaration acceptable under 37 CFR 1.497(a) and (b) was filed on 06 February 2007. As such, the surcharge under 37 CFR 1.492(h) was appropriate.

Petitioner further requests a corrected filing receipt. For the reasons noted above, the requested changes to the 35 U.S.C. 371(c) completion date and the "FIL FEE" would not be appropriate on the basis of the present record. However, a filing receipt reflecting the requested corrections to the inventor's name and the assignee's identity is being mailed under separate cover.

CONCLUSION

The petition is **DISMISSED**, without prejudice.

If reconsideration on the merits of this matter 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).

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
Fax: (571) 273-0459

I. S-SIGNATURE EXAMPLES, 37 CFR 1.4(d)(2) effective September 21, 2004

A. BY INVENTORS, AFFIANTS (e.g., §§ 1.131 & 1.132), ASSIGNEES AND PRACTITIONERS SIGNING AS INVENTORS

	SIGNATURE TYPE	SIGNATURE	TREATMENT	PREFERRED
1.	S-Signature within forward slashes, name below	/John T. Smith/ John T. Smith	**Proper Signature** Treat as signed, § 1.4(d)(2).	✓
2.	S-Signature with spaces within forward slashes, name below	/ John T. Smith / John T. Smith	**Proper Signature** Treat as signed, § 1.4(d)(2).	
3.	S-Signature within forward slashes, name below but no line under the S-Signature	/John T. Smith/ John T. Smith	**Proper Signature** Treat as signed, § 1.4(d)(2), as a line is not required, although it is recommended.	
4.	Script font S-Signature within slashes, name below	/John T. Smith/ John T. Smith	**Proper Signature** Treat as signed, § 1.4(d)(2).	
5.	Name above, S-Signature within slashes, below	John T. Smith /John T. Smith/	**Proper Signature** Treat as signed, § 1.4(d)(2).	
6.	S-Signature within slashes, name on right side	/John T. Smith/ John T. Smith	**Proper Signature** Treat as signed, § 1.4(d)(2).	
7.	S-Signature within slashes, name below, both signature and name have typos	/Johon T. Smith/ John T. Smmith	**Proper signature** Signer identifiable, typo should be noted in record.	
8.	S-Signature without slashes, name below	John T. Smith John T. Smith	Improper signature Treat as unsigned due to lack of slashes, § 1.4(d)2(i).	
9.	Script font S-Signature without slashes, name below	John T. Smith John T. Smith	Improper signature Treat as unsigned due to lack of slashes, § 1.4(d)2(i).	
10.	S-Signature within double slashes, name below	//John T. Smith// John T. Smith	Improper signature Treat as unsigned due to extra slashes, § 1.4(d)2(i).	
11.	S-Signature within slashes	/John T. Smith/	Improper signature Treat as unsigned as no name provided, § 1.4(d)(2)(iii).	
12.	Graphic symbol S-Signature within slashes, name below	/☺/ John T. Smith	Improper signature Treat as unsigned due to use of graphic symbol, § 1.4(d)(2)(i).	
13.	Improper punctuation symbols in S-Signature within slashes, name below	/Good?Great!!!/ John T. Smith	Improper signature Treat as unsigned due to use of ? and ! symbols, § 1.4(d)(2)(i).	

NOTE: Signatures by assignees are also required to be by: 1) an appropriate party of the assignee to sign; 2) supported by evidence that the proper assignee is submitting the document. The assignee of the entire interest, or all partial assignees, must sign any correspondence (§§ 3.71(b) & (c)).

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FOLEY AND LARDNER LLP
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3000 K STREET NW
WASHINGTON, DC 20007

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DEC 0 3 2009

OFFICE OF PETITIONS

In re Application of :
RITCHIE, Timothy et al. :
Application No. 11/570,049 : DECISION ON PETITION
Filed: March 28, 2007 : TO WITHDRAW
Attorney Docket No. **093286-0138** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 15, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Foley and Lardner LLP has been revoked by the assignee of the patent application on November 20, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **FANELLI STRAIN & HAAG PLLC**
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DEC 0 3 2009

OFFICE OF PETITIONS

In re Application of :
FEUERBACH, Dominik et al. :
Application No. 11/570,076 : DECISION ON PETITION
Filed: December 06, 2006 : TO WITHDRAW
Attorney Docket No. **093286-0108** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 15, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Foley and Lardner LLP has been revoked by the assignee of the patent application on November 20, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **FANELLI STRAIN & HAAG PLLC**
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29 NOV 2007

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PATRICK W. RASCHE
ARMSTRONG TEASDALE LLP
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ST. LOUIS, MO 63102-2740

In re Application of BLASIUS et al	:	
U.S. Application No.: 11/570,118	:	
PCT Application No.: PCT/US2004/039492	:	DECISION
Int. Filing Date: 23 November 2004	:	
Priority Date Claimed: 25 November 2003	:	
Attorney Docket No.: CS0156-02/US	:	
For: BIOLOGICALLY ACTIVE ANTIBODIES. . .	:	

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 06 December 2006.

BACKGROUND

On 23 November 2004, applicant filed international application PCT/US2004/039492, which claimed priority of an earlier United States application filed 25 November 2003. The thirty-month period for paying the basic national fee in the United States expired on 25 May 2006.

International application PCT/US2004/039492 became abandoned as to the United States for failure to timely pay the basic national fee.

On 06 December 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 reply 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 a properly executed 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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SHERIDAN ROSS P.C.
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141

In re Application of	:	DECISION ON
Nag-Ku KIM	:	
Application No.: 11/570,121	:	
PCT No.: PCT/KR2006/001854	:	
Int. Filing Date: 18 May 2006	:	PETITION
Priority Date: 30 May 2005	:	
Attorney's Docket No.: 5529NK-1	:	
For: MOBILE CONTENT ACCESS...	:	
FOR THE SAME	:	UNDER 37 CFR 1.182

This decision is in response to the "Transmission filing" filed on 06 December 2006, which is being treated as a petition under 37 CFR 1.182 to correct PCT serial number from the electronic entry of PCT/KR05/01854 to PCT/KR06/01854. Applicant has not paid the petition fee of $400.00.

BACKGROUND

On 18 May 2006, this international application was electronically filed, claiming an earliest priority date of 25 May 2004.

On 06 December 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 as required by 35 U.S.C. 371 (c)(1), and an executed declaration of the inventor.

However, the incorrect PCT number was submitted at the time of electronic filing.

DISCUSSION

Applicant has entered the incorrect PCT serial number, PCT/KR05/01854, at the time of electronically filing the application. Applicant will need to correct the incorrect PCT serial number and explain the error.

Once the petition is granted the correct number will be reflected in the filing receipt.

DECISION

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," and the petition must be paid.

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
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10 JAN 2008

SHERIDAN ROSS P.C.
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141

In re Application of	:	DECISION ON
Nag-Ku KIM	:	
Application No.: 11/570,121	:	
PCT No.: PCT/KR2006/001854	:	
Int. Filing Date: 18 May 2006	:	RENEWED PETITION
Priority Date: 30 May 2005	:	
Attorney's Docket No.: 5529NK-1	:	
For: MOBILE CONTENT ACCESS...	:	
FOR THE SAME	:	UNDER 37 CFR 1.182

This decision is in response to the "RENEWED PETITION UNDER CFR 1.182" filed on 04 December 2006, to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/KR06/01854. Petitioner has been charged the petition fee of $400.00 to the Deposit Account No.: 19-1970.

BACKGROUND

In a decision from this Office on 02 November 2007, the petition filed on 06 December 2006 was dismissed.

On 04 December 2007, petitioner filed the current petition.

DISCUSSION

Petitioner states that the PCT number was unintentionally entered as PCT/KR05/01854 rather than the correct number PCT/KR06/01854.

Although applicants entered the incorrect PCT serial number at the time of electronically filing the application, the correct PCT number PCT/KR06/01854 was placed in the transmittal letter, and in the Application Data Sheet. Accordingly, there is sufficient evidence that the correct international application PCT number is PCT/KR06/01854.

Therefore, petition to accept the correct PCT number of PCT/KR06/01854 for the instant application is granted, and will be reflected in the filing receipt.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Rafael Bacares
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PCT Legal Office
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PASADENA CA 91103-3842

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OFFICE OF PETITIONS

In re Application of :
Yun-O Chang :
Application No. 11/570,123 : DECISION ON PETITION
Filed: December 6, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 17096US : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 11, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the appropriate Technology Center for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

15 FEB 2008

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FOLEY HOAG, LLP
PATENT GROUP (w/ISA)
155 SEAPORT BLVD.
BOSTON MA 02210-2600

In re Application of:
BIRCH, Brian, Jeffrey, et al.
U.S. Application No.: 11/570,174
PCT No.: PCT/GB2005/002248
International Filing Date: 07 June 2005
Priority Date: 07 June 2004
Atty's Docket No.: ISA-028.01
For: DETERMINING THE PRESENCE OR AMOUNT OF A METAL-LABELLED SPECIES

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 13 November 2007. Applicants have paid the required petition fee.

BACKGROUND

On 07 June 2005, applicants filed international application PCT/GB2005/002248. The international application claimed a priority date of 07 June 2004, and it designated the United States. On 22 December 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., 07 December 2006.

On 07 December 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 12 April 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 was required.

On 13 November 2007, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included 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 Robert Andrew PORTER.

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 three of the four inventors of record, and the declaration includes an unsigned signature block for the non-signing inventor, Robert Andrew PORTER. However, this declaration contains non-initialed, non-dated alterations (see 37 CFR 1.52(c)). Specifically, the hand-written indication of Swedish citizenship for inventor Alena KABIL has not been initialed or signed. Any changes made in ink in the application or declaration prior to signing should be initiated and dated by the applicants prior to execution of the declaration. The Office will not consider whether non-initialed and/or non-dated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration (see MPEP 605.04(a)). Therefore, a newly executed declaration is required here. Because the current declaration is not acceptable as filed, item (3) of a grantable petition is not satisfied.

Regarding item (4), the present petition indicates that applicants have identified a current address for the inventor and have delivered a request for signature to such address, without receiving a response. Accordingly, the petition does not appear to be based on the failure to locate or reach the inventor after diligent effort, but rather as an assertion that the inventor has refused to execute the declaration. 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." Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided a declaration of Isobel Howell regarding efforts made to obtain the signature of the non-signing inventor. The statement discusses failed attempts to reach the inventor at a previous address, followed by a request for signature that was successfully delivered to a more current address for the inventor on 08 October 2007. Applicants had not received a response to this signature request as of the filing of this petition.

The materials provided here are not sufficient to confirm that the inventor has refused to execute the application. Specifically, the petition does not indicate that a copy of the complete application (specification, claims, and drawings), with a request for signature, has been

forwarded to the last known address of the inventor, as required by the MPEP. Rather, the statement provided here refers only to the declaration and assignment being sent to the inventor.

Until adequate supplemental materials are provided that satisfy the requirements of the MPEP and include a firsthand statement (with documentary support) confirming that a request for signature, accompanied by a copy of the complete application, has been sent to the non-signing inventor at his last known address, 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 items (3) and (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
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Facsimile: (571) 273-0459

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02 DEC 2008

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BOSTON MA 02210-2600

In re Application of:
BIRCH, Brian, Jeffrey, et al.
U.S. Application No.: 11/570,174
PCT No.: PCT/GB2005/002248
International Filing Date: 07 June 2005
Priority Date: 07 June 2004
Atty's Docket No.: ISA-028.01
For: DETERMINING THE PRESENCE OR AMOUNT OF A METAL-LABELLED SPECIES

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

In a decision mailed by this Office on 15 February 2008, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-inventor Robert A. PORTER was dismissed without prejudice for failure to satisfy the requirements of a grantable petition.

On 15 September 2008, applicant filed a response to the 15 February 2008 decision, treated herein as a renewed petition, accompanied by payment of the required five-month extension fee.

Applicants' 15 September 2008 submission includes acceptable declarations executed by each of the inventors herein, including the previously non-signing inventor Robert A. PORTER. Applicants have therefore now submitted a fully executed declaration in compliance with 37 CFR 1.497. Accordingly, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

This application is being forwarded to the National Stage Processing Branch of the PCT Operations Division for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 15 September 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:

DATE :

TO SPE OF : ART UNIT

SUBJECT : Request for Certificate of Correction on Patent No.:

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☐ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

0 2 APR 2007

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

In re Application of	:	DECISION ON
IWAWAKI et al	:	
Application No.: 11/570,191	:	
PCT No.: PCT/JP2005/17325	:	
Int. Filing Date: 14 September 2005	:	PETITION UNDER
Priority Date: 29 September 2004	:	
Attorney Docket No.: 03500.108890	:	
For: LIGHT-EMITTING DEVICE	:	37 CFR 1.182

This decision is in response to petitioner's "PETITION UNDER 37 C.F.R. 1.182" filed on 30 January 2007. The petition fee of $400.00 has been provided by check.

BACKGROUND

On 07 December 2006, applicants electronically filed in the United States Patent and Trademark Office (PTO) accompanied by, *inter alia*, the basic national fee. Applicants also provided an executed oath or declaration as required under 35 U.S.C. 371(c)(4).

On 30 January 2007, petitioner filed the instant petition, which included an affidavit in support of the name change of the inventor from Minako Kurokawa to Minako Nakasu. This is because in the declaration section pertaining to the eighth named inventor, the name Minako NAKASU appears; this name did not appear in the international 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 the 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 Minako Nakasu. It sets forth the procedure whereby the change of name was effected from Minako Kurokawa (maiden name) to Minako Nakasu (married name). Therefore, item (2) has been satisfied.

However, a review of the file shows that the "NOTIFICATION OF THE RECORDING OF A CHANGE" Form PCT/IB/306 was mailed on 13 October 2006 to the applicant by the IB. The Notification indicates that applicant/inventor KUROKAWA, Minako had the following change and her name now is NAKASU, Minako and this change was effected in accordance with PCT Rule 92*Bis*.

Accordingly, the declaration filed 07 December 2006 is accepted because applicant has provided a showing that the applicant/inventor name change was effected in accordance with PCT Rule 92*bis* prior to the filing of the present national stage application.

For the reasons above, the application may enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR §1.182 is **MOOT.** The petition fee of $400.00 will be refunded to petitioner's Deposit Account No.: 503939.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **07 December 2006.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

Adjustment date: 04/02/2007 SBASHEIR
01/31/2007 INTEFSW 00000004 503939 11570191
01 FC:1462 400.00 CR

0 9 MAR 2007

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Adda C. Gogoris
Darby & Darby, P.C.
P.O. Box 5257
New York, NY 10150-5257

In re Application of
FLEISCHER, et al.
Application No.: 11/570,197
PCT No.: PCT/EP04/06155
Int. Filing Date: 08 June 2005
Priority Date: 08 June 2004
Attorney Docket No.: 02755/0205857-US0
For: OPIOIDS FOR THE TREATMENT OF THE CHRONIC OBSTRUCTIVE PULMONARY DISEASE

DECISION ON PETITION

UNDER 37 CFR 1.182

This decision is in response to applicant's "Petition Under 37 C.F.R. 1,182" filed in the United States Patent and Trademark Office (USPTO) on 05 March 2007. As authorized, the $400 petition fee under 37 CFR 1.17 has been charged to Deposit Account no. 04-0100.

BACKGROUND

On 08 June 2005, applicant filed international application PCT/EP05/06155 which claimed a priority date of 08 June 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 December 2005. 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 December 2006.

On 07 December 2006, applicant filed a Transmittal Letter for entry into the national stage accompanied, *inter alia,* by: the requisite basic national fee; an Information Disclosure Statement and an Application Data Sheet.

On 05 March 2006, applicant filed the presently considered "Petition Under 37 CFR 1,182" accompanied by an executed combined declaration and power of attorney.

DISCUSSION

Applicant's present petition under 37 CFR 1.182 seeks to correct the corresponding international filing date of the application which was incorrectly entered as 08 June 2004 during the electronic filing of the application. The petition is GRANTED. Applicant has shown that the correct international filing date was provided on the transmittal letter and Application Data Sheet at the time of filing. USPTO records will be corrected to indicate

the correct international filing date of 08 June 2005.

Regarding applicant's request that the petition fee be waived. Because the error occurred during the filing of the application and was not a data entry error made by USPTO staff it is only possible to correct the mistake pursuant to 37 CFR 1.182 and therefore the $400.00 petition fee must be charged.

A review of the application file finds that with the filing of the presently executed combined declaration and power of attorney, all of the 35 U.S.C. 371 requirements have been satisfied.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

This application has an international application filing date of 08 June 2005 and will be given a date of **05 March 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

Derek A. Putonen
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Tel: (571) 272-3294
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03/08/2007 SBASHEIR 00000003 040100 11570197
Sale Ref: 00000004 DA#: 040100 11570197
01 FC:1462 400.00 DA

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
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IRVINE CA 92614

MAILED

MAY 21 2009

OFFICE OF PETITIONS

Applicant: Hachiya
Appl. No.: 11/570,229
International Filing Date: June 10, 2005
Title: CONTROLLER
Attorney Docket No.: KITO21.001APC
Pub. No.: 2008/0262426 A1
Pub. Date: October 23, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 19, 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 on the front page of the publication wherein the foreign priority claim data is incorrect.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error in the foreign priority claim on the front page of the publication is an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The error in the foreign priority claim is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The specification and claims were accurately published, thus one can read and understand the content of the application. The error also does

[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).

not affect the use of the patent application publication as a prior art reference, because the foreign priority date is not useable as a reference date.

On July 18, 2008 a Filing Receipt was mailed by the Office, which listed the foreign priority information. To avoid this type of problem in the future, applicant's representative should review the Filing Receipt and make a request for a corrected filing receipt prior to export of the publication to the publisher.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

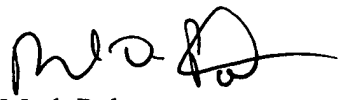
A guide for filing a request for a Pre-Grant Publication, such as a request for republication may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

07 JAN 2009

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MI AN
C/O ERIC CHAN
42 PIN OAKS DRIVE
PHOENIXVILLE, PA 19460

In re Application of AN	:	
U.S. Application No.: 11/570,238	:	
PCT Application No.: PCT/CN2005/000822	:	
Int. Filing Date: 09 June 2005	:	
Priority Date Claimed: 10 June 2004	:	DECISION
Attorney Docket No.: 15105	:	
For: HUMAN LYSOZYME MEDICINE, ITS MANUFACTURING METHOD AND APPLICATION THEREOF	:	

This is in response to applicant's "Petition to revive the application" filed 28 October 2008, which is being treated as a petition to withdraw a holding of abandonment under 37 CFR 1.181.

BACKGROUND

On 09 June 2005, applicant filed international application PCT/CN2005/000822, which claimed priority of an earlier China application filed 10 June 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 December 2005. The thirty-month period for paying the basic national fee in the United States expired on 10 December 2006.

On 08 December 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 October 2007, the DO/EO/US mailed a Notification of Insufficient Fees (Form PCT/DO/EO/923).

On 29 August 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909).

On 28 October 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The Notification of Insufficient Fees stated that fees were due for 4 independent claims in excess of 3. However, a review of the application file reveals indicates the presence of 1 independent claim. Thus, the Notification of Insufficient Fees was sent in error.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Insufficient Fees (Form PCT/DO/EO/923) mailed 26 October 2007 is hereby VACATED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 29 August 2008 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 09 June 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 08 December 2006.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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Facsimile: 571-273-0459

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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO CA 92101

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FEB 04 2009

OFFICE OF PETITIONS

In re Application of :
ARMSTRONG, Christopher et al. :
Application No. 11/570,274 :
Filed: July 16, 2007 :
Attorney Docket No. **114157-0003US** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 14, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Samuel Lee on behalf of all attorneys of record who are associated with customer No. 27189. All attorneys/agents associated with the Customer Number 27189 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 Christopher Armstrong 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: **CHRISTOPHER ARMSTRONG**
C/O MICHAEL LUCEY
5 DARTMOUTH ROAD
DUBLIN 6
IRELAND

UNITED STATES PATENT AND TRADEMARK OFFICE

16 JUL 2008

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BARNES & THORNBURG LLP
P.O. BOX 2786
CHICAGO IL 60690-2786

In re Application of	:	
HESSION, et al.	:	
U.S. Application No.: 11/570,277	:	DECISION ON PETITION
PCT No.: PCT/GB05/02288	:	
Int. Filing Date: 09 June 2005	:	UNDER 37 CFR 1.47(a)
Priority Date: 10 June 2004	:	
Attorney Docket No.: 920476-1046695	:	
For: METHOD OF OPERATING A CONTACT CENTER	:	

This decision is in response to the applicant's "Petition Pursuant to 37 C.F.R. § 1.47(a) to Accept Application Without Execution by One Inventor" filed 11 February 2008 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of joint inventor Arik Elberse.

BACKGROUND

On 09 June 2005, applicant filed international application PCT/GB05/02288 which claimed priority to an earlier application filed 10 June 2004. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 22 December 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 10 December 2006.

On 08 December 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 and a preliminary amendment.

On 10 December 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 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. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 11 February 2008, applicant filed the present petition under 37 CFR 1.47. 10 February 2008 being a Sunday the response is considered timely filed.

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 missing joint investor 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. Applicant has satisfied items (1), (3) and (4) above.

Regarding item (2), Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) states, in part:

> 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.
>
> 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

While applicant has included copies of emails sent to Mr. Elberse which contain attachments of the declaration and specification no information has been provided to show that the e-mail addresses used were correct. This is especially important in the present case where the applicant is asking that the silence of the inventor be considered a refusal. No reply email was received from Mr. Elberse. Similarly, the emails do not appear to contain any receipt confirmation. Therefore, it is impossible to know whether the non-signing inventor ever received the documents.

In light of the above it is not possible to grant applicant's petition under 37 CFR 1.47(a) at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) 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(a)." 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.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

0 7 NOV 2008

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Washington, D.C. 20231
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Barnes & Thornburg, LLP
P.O. Box 2786
Chicago, IL 60690-2786

In re Application of	:	
HESSION, et al.	:	DECISION ON RENEWED
Serial No.: 11/570,277	:	
PCT No.: PCT/GB05/02288	:	PETITION UNDER
Int. Filing Date: 09 June 2005	:	
Priority Date: 10 June 2004	:	37 CFR 1.47(a)
Atty Docket No.: 920476-1046695	:	
For: METHOD OF OPERATING A CONTACT CENTER	:	

This decision is in response to the renewed petition under 37 CFR 1.47(a) filed 10 September 2008 to accept the application without the signature of joint inventor Arik Elberse.

BACKGROUND

On 16 July 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration.

On 10 September 2008, applicant filed the present renewed petition.

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 missing joint investor 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. Applicant previously satisfied items 1, 3 and 4.

With the filing of the present renewed petition and supporting documentation applicant has successfully addressed the concerns raised in the decision of 16 July 2008 and therefore it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 09 June 2005 under 35 U.S.C. 363, and

will be given a date of **11 February 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(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
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07 NOV 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Mr. Arik Elberse
102 Clybaun Heights
Knocknacarra, Galway
IRELAND

In re Application of:
HESSION, et al.
U.S. Application No.: 11/570,277
PCT No.: PCT/GB05/02288
Int. Filing Date: 09 June 2005
Priority Date: 10 June 2004
Attorney Docket No.: 920476-1046695
For: METHOD OF OPERATING A CONTACT CENTER

Dear Mr. Elberse:

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.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
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Mr. William M. Lee, Jr.
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United States of America

UNITED STATES PATENT AND TRADEMARK OFFICE

29 SEP 2009

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BLACKSTONE & MARR, LTD.
105 WEST ADAMS STREET
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CHICAGO IL 60603

In re Application of FARIS et al.	:
Application No.: 11/570,293	: DECISION ON PETITION
PCT No.: PCT/NZ05/00121	:
Int. Filing: 09 June 2005	: UNDER 37 CFR 1.47(a)
Priority Date: 09 June 2004	:
Attorney Docket No.: 2531/45735/Case 1	:
For: DYNAMIC BUSINESS ENHANCEMENT SYSTEM	:

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 25 March 2008, to accept the application without the signature of the joint inventor. Applicant's request for a four month extension of time is granted. This is also in response to applicant's status request filed on 11 March 2009.

BACKGROUND

On 08 December 2006, applicant filed a transmittal letter 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 27 September 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 25 March 2008, applicant filed a petition along with a declaration, executed by the joint inventor 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 RICHARD LI, alleging that Mr. LI refused to sign the application.

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 satisfied Item (1) with the payment of the petition fee and Item (3) with the submission of the non-signing inventor's last known address. With respect to Item (4), the declaration submitted with the petition was executed by the joint inventor on his behalf and on behalf of the non-signing inventor. The declaration is in compliance with 37 CFR 1.497(a) and (b). Item (4) is satisfied.

With respect to Item (2) above, Petitioner submitted the first hand statement of joint inventor Andrew Faris as proof of Mr. Li's refusal. Mr. Faris states that he "presented Richard Li with copy of the application and a Declaration for execution". Mr. Faris further states that Mr. Li "told me several times that he refuses to execute the Declaration, with the most recent occurrence being on February 27, 2008".

MPEP Section 409.03(d)II 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....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....Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Here, the first-hand statement of the joint inventor indicates that the nonsigning inventor refused to sign the application papers. However, while the statement indicates the date of the refusal (27 February 2008), the place of the refusal and any reasons given by the non-signing for refusing to sign the declaration were not set forth in the statement. Such detail is necessary to conclude that the nonsigning inventor refuses to sign the declaration. If the nonsigning inventor did not give Mr. Faris any reason for his refusal, that fact should be set forth by Mr. Faris for the record. Under these circumstances, it cannot be concluded that Mr. LI refuses to sign the application papers. Item (2) 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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UNITED STATES PATENT AND TRADEMARK OFFICE

16 FEB 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE & MARR, LTD.
105 WEST ADAMS STREET
SUITE 3600
CHICAGO IL 60603

In re Application of FARIS et al.	
Application No.: 11/570,293	DECISION ON PETITION
PCT No.: PCT/NZ05/00121	
Int. Filing: 09 June 2005	UNDER 37 CFR 1.47(a)
Priority Date: 09 June 2004	
Attorney Docket No.: 2531/45735/Case 1	
For: DYNAMIC BUSINESS ENHANCEMENT SYSTEM	

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 24 November 2009, to accept the application without the signature of the joint inventor.

BACKGROUND

The procedural history of this application was set forth in the decision mailed on 29 September 2009 and incorporated herein by reference. Applicant filed a petition along with a declaration, executed by the joint inventor 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 RICHARD LI, alleging that Mr. LI refused to sign the application.

DISCUSSION

As previously stated, 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), (3) and (4).

With respect to Item (2) above, Petitioner submitted the 21 November 2009 first hand

statement of joint inventor Andrew Faris as proof of Mr. Li's refusal. Mr. Faris states that he "presented the other inventor, Richard Li, with copy of the application and a Declaration for execution at our place of employment...". Mr. Faris further states that Mr. Li told him several times that he refuses to execute the Declaration. Mr. Li further stated that because of negative experiences, he has "an irrational fear of legal documents and an aversion to signing any legal document". Under these circumstances, it can be concluded that Mr. Li refuses to sign the application papers. Item (2) is satisfied. Accordingly, it is appropriate 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 **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 08 December 2008. The application has an international filing date of 09 June 2005 under 35 U.S.C. 363, and a date of 08 December 2008 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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16 FEB 2010

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

RICHARD LI
11 MONET GROVE
WEST HARBOUR,
AUCKLAND 1008 NEW ZEALAND

In re Application of FARIS et al.
Application No.: 11/570,293
PCT No.: PCT/NZ05/00121
Int. Filing: 09 June 2005
Priority Date: 09 June 2004
Attorney Docket No.: 2531/45735/Case 1
For: DYNAMIC BUSINESS ENHANCEMENT SYSTEM

Dear Mr. Li:

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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JUN 2 8 2010

OFFICE OF PETITIONS

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of :
Henrik ERNST, et al :
Application No. 11/570,305 : DECISION ON PETITION
Filed: September 12, 2007 :
Docket No. BEET-19 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 26, 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, August 7, 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 November 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 $1620; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2855 for appropriate action by the Examiner in the normal course of business.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

17 SEP 2007

HOGAN & HARTSON LLP
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1200 SEVENTEENTH ST
DENVER CO 80202

In re Application of	:	
Barry et al.	:	
Application No.: 11/570,326	:	DECISION
PCT No.: PCT/EP05/51701	:	
Int. Filing Date: 18 April 2005	:	ON
Priority Date: 16 April 2004	:	
Attorney Docket No.: D04-268-02	:	PETITION
For: A Method And System For Sound Source Separation	:	

This is in response to the petition to revive under 37 CFR 1.137(b) filed on 08 December 2006.

BACKGROUND

This international application was filed on 18 April 2005, claimed an earlier priority date of 16 April 2004, and designated the U.S. The International Bureau transmitted 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 16 October 2006. This international application became abandoned with respect to the U.S. national stage for failure to timely pay the basic national fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding **requirement (1)**, the "required reply" requirement has been satisfied by the payment of the $300.00 basic national fee on 08 December 2006.

Regarding **requirement (2)**, the $1500.00 petition fee was paid on 08 December 2006.

Regarding **requirement (3)**, the petition filed on 08 December 2006 was signed by Ray Wills, who does not appear to be registered to practice before the USPTO. Therefore, it would not be appropriate to conclude that requirement (3) has been satisfied.

Regarding **requirement (4)**, no terminal disclaimer is required because the international filing date of this application is later than 8 June 1995.

DECISION

The petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Mail Stop PCT, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

George Dombroske
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2 8 SEP 2007

United States Patent and Trademark Office

Commissioner for Patents
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In re Application of	:	
Barry et al.	:	
Application No.: 11/570,326	:	DECISION
PCT No.: PCT/EP05/51701	:	
Int. Filing Date: 18 April 2005	:	ON
Priority Date: 16 April 2004	:	
Attorney Docket No.: D04-268-02	:	PETITION
For: A Method And System For Sound Source Separation	:	

This is in response to the renewed petition to revive under 37 CFR 1.137(b) filed on 24 September 2007.

DISCUSSION

In a decision mailed on 17 September 2007, the petition under 37 CFR 1.137(b) filed on 08 December 2006 was dismissed without prejudice because

> Regarding **requirement (3)**, the petition filed on 08 December 2006 was signed by Ray Wills, who does not appear to be registered to practice before the USPTO. Therefore, it would not be appropriate to conclude that requirement (3) has been satisfied.

In response, petitioner has provided a new petition form, signed by counsel, which includes an appropriate statement of unintentional delay. Accordingly, all of the requirements of 37 CFR 1.137(b) have now been satisfied.

Inspection of the declaration filed on 08 December 2006 reveals that it appears to have been compiled by assembling separate sheets signed by the individual inventors into the complete document. Attention is drawn 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).

In view of this policy, it would not be appropriate to accept the declaration of record.

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

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(19) KOREAN INTELLECTUAL PROPERTY OFFICE

KOREAN PATENT ABSTRACTS

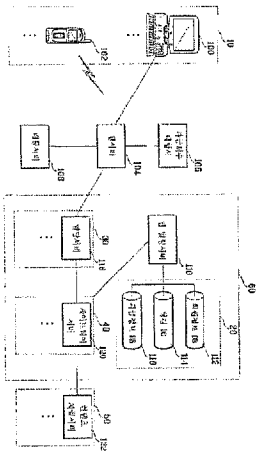
(11)Publication number: 1020020003128 A
(43)Date of publication of application: 10.01.2002

(21)Application number: 1020010056547
(22)Date of filing: 13.09.2001
(51)Int. Cl G06F 17/00

(71)Applicant: HANASOFT CO., LTD.
(72)Inventor: YOON, BYEONG YEOL

(54) WEB BILLING SYSTEM AND METHOD USING INTERNET PROTOCOL

(57) Abstract:



PURPOSE: A web billing system and a method using an Internet protocol are provided to graft every communication unit surrounding a user into various settlement method by constructing within a web site every contents providing service based on a payment solution of Internet contents. CONSTITUTION: A web billing system based on an Internet protocol is comprised of a user terminal(10), a web server(104), a web billing server(110), a database(20), a content providing server(50), and a payment withdrawal agent(106). Contents providing enterprises produce contents and provide charged contents through an electronic commerce, etc. The contents providing enterprises construct each contents server connected through a plurality of allocation servers(30) and a plurality of gateway servers(40) connected to the web server(40) and provides to the user the contents required by the user. The web billing server(110) of a web billing system(60) comprises a database(20) including a member information database(DB)(112), a network game ranking DB(114), and a payment information DB(116). The allocation server(30) controls the scattered and paralleled gateway(40) so as to execute the contents selected by the user, performs a filtering on a data packet from the contents server (50), and performs an optimizing on it by various contents and units.

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Legal Status
Date of request for an examination (20010913)
Notification date of refusal decision (00000000)
Final disposal of an application (abandonment)
Date of final disposal of an application (20060223)
Patent registration number ( )
Date of registration (00000000)
Number of opposition against the grant of a patent ( )

Date of opposition against the grant of a patent (00000000)
Number of trial against decision to refuse ( )
Date of requesting trial against decision to refuse ( )

(19) 대한민국특허청(KR)
(12) 공개특허공보(A)

(51) Int. Cl. G06F 17/00		(11) 공개번호 (43) 공개일자	특2002-0003128 2002년01월10일
(21) 출원번호	10-2001-0056547		
(22) 출원일자	2001년09월13일		
(71) 출원인	주식회사 하나소프트 대한민국 135-011 서울특별시 강남구 논현1동 192-6 범한빌딩 5층		
(72) 발명자	윤명열 대한민국 142-060 서울특별시강북구번동469-86		
(74) 대리인	김봉희 김희소		
(77) 심사청구	있음		
(54) 출원명	인터넷 프로토콜을 이용한 웹 빌링 시스템 및 그를 위한방법		

요약

본 발명은 다양한 인터넷 컨텐츠를 논리적으로 다양한 결제방식을 통하여 유료화 시킬 수 있는 인터넷 프로토콜을 이용한 웹 빌링 시스템에 관한 것으로, 인터넷 컨텐츠의 요금처리 솔루션을 기반으로 하여 모든 컨텐츠 제공 서비스를 웹사이트 내에 구축하기 위한 기술에 관한 것이다. 특히, 본 발명은 IP(Internet Protocol)기반의 다양한 인터넷 컨텐츠 사용에 대한 과금을 위한 요금계산, 요금청구, 수납에 필요한 업무지원 시스템과 마케팅 요소, 고객지향 요소를 포함하는 종합적 영업지원 시스템을 제공하는 기술에 관한 것으로, 특히 과금형태별, 사용자별, 업체별, 사용시간별 과금정보를 근거로, 선·후불제, 종량제, 정액제 등 다양한 과금방법을 통하여, 사용자에게 일반유선전화, ARS(Automatic Response Service)전화, 이동전화, 자동이체, 무통장 입금, 신용카드, 전자화폐, 이메일 결제, 상품권 등의 다양한 지불결재수단을 제공하며, 이를 과금 희수대행사를 통해 최종 결재를 수행할 수 있는 인터넷 프로토콜을 이용한 웹 빌링 시스템 및 그를 위한 방법에 관한 것이다.

대표도

도4

색인어

시스템, 인터넷 프로토콜, 빌링, 과금, 결제

명세서

도면의 간단한 설명

도 1은 본 발명의 실시 예에 따른 인터넷 프로토콜을 이용하여 웹 빌링 시스템을 구현한 네트웍 구성도,

도 2는 본 발명의 실시 예에 따른 인터넷 프로토콜을 이용한 웹 빌링 시스템 내 웹 빌링 서버의 상세 블록 구성도,

도 3은 본 발명의 실시 예에 따른 인터넷 프로토콜을 이용한 웹 빌링 시스템에서의 전자결제 처리 흐름도,

도 4는 본 발명의 실시 예에 따른 인터넷 프로토콜을 이용한 웹 빌링 시스템에서의 전자결제 처리 개념도,

도 5a는 본 발명의 실시 예에 따른 인터넷 프로토콜을 이용한 웹 빌링 시스템에서 사용자가 이용한 컨텐츠에 대하여 지불 가능한 다양한 지불결제수단을 보인 도면,

도 5b는 본 발명의 실시 예에 따른 인터넷 프로토콜을 이용한 웹 빌링 시스템에서 사용자가 이용한 컨텐츠에 대하여 선택 가능한 다양한 과금방법을 보인 도면,

도 5c는 본 발명의 실시 예에 따른 인터넷 프로토콜을 이용한 웹 빌링 시스템에서 과금된 컨텐츠에 대하여 산출 가능한 과금정보를 보인 도면.

<도면의 주요 부분에 대한 부호의 설명>

10: 사용자 단말장치∘∘∘∘20: 데이터 베이스

30: 할당 서버∘∘∘∘∘40: 게이트웨이 서버

50: 컨텐츠 제공서버∘∘∘∘60: 웹 빌링 시스템

104: 웹 서버∘∘∘∘∘106: 과금 회수 대행사

110: 웹 빌링 서버∘∘∘∘∘124: 인터넷

발명의 상세한 설명

발명의 목적

발명이 속하는 기술 및 그 분야의 종래기술

본 발명은 다양한 인터넷 컨텐츠(Internet Contents)를 논리적으로 다양한 결제방식을 통하여 유료화 시킬 수 있는 인터넷 프로토콜(Protocol)을 이용한 웹 빌링 시스템(Web Billing System)에 관한 것으로, 인터넷 컨텐츠의 요금처리 솔루션(Solution)을 기반으로 하여 모든 컨텐츠 제공 서비스(Contents Providing Service)를 웹사이트(Web Site) 내에 구축하기 위한 기술에 관한 것이다. 특히, 본 발명은 IP(Internet Protocol)기반의 다양한 인터넷 컨텐츠 사용에 대한 과금(Accounting)을 위한 요금계산, 요금청구, 수납에 필요한 업무지원 시스템과 마케팅(Marketing) 요소, 고객지향 요소를 포함하는 종합적 영업지원 시스템을 제공하는 기술에 관한 것으로, 특히 과금형태별, 사용자별, 업체별, 사용시간별 과금정보를 근거로, 선·후불제, 종량제, 정액제 등 다양한 과금방법을 통하여, 사용자에게 일반유선전화, ARS(Automatic Response Service)전화, 이동전화, 자동이체, 무통장 입금, 신용카드, 전자화폐, 이메일(E-mail) 결제, 상품권 등의 다양한 지불결재수단을 제공하며, 이를 과금 회수 대행사를 통해 최종 결재를 수행할 수 있는 인터넷 프로토콜을 이용한 웹 빌링 시스템 및 그를 위한 방법에 관한 것이다.

최근 인터넷 서비스 업체들의 수익성 문제가 주요 사안으로 등장하면서 이를 담보할 수 있는 인터넷 빌링에 대한 관심이 어느 때보다 높아지고 있다. 과거 '빌링'(Billing)은 통신회사들이 자사 망의 사용에 관해 사용자들에게 과금을 하던 형태로서, 인터넷 빌링은 인터넷 사용자들이 컨텐츠를 사용한 내역에 대해 과금을 하는 과정을 지칭하였다. 그러나 현재 빌링이란 용어는 상당히 많은 분야의 처리과정을 담고 있다. 작은 범위에서 빌링은 단순한 전자결제 과정을 일컬으나, 진정한 의미의 빌링은 사용자가 컨텐츠에 접속해서 최종 결제를 할 때까지의 과정에서 일어나는 요금의 산정, 인증, 과금, 결제, 미결 처리 등의 모든 과정들이 통합된 것이다.

그러나 인터넷 및 차세대 통신 서비스 분야에 있어서 빌링 시스템이 전략적으로 중요한 역할을 차지함에도 불구하고 정보에 따른 다양한 과금 방식, 정보 이용자의 기호에 맞는 과금 방식 선택, 기본적으로 소액결제이므로 유연한 과금과 지출 솔루션이 필요하기 때문에, 인터넷 빌링의 구현에 어려움이 있다. 특히 인터넷의 특성상 신규 서비스를 시스템이 즉각적으로 수용해야 하는 것과, 스트리밍(Streaming), 게임 서비스 등 다양한 형태의 컨텐츠를 수용할 수 있어야 하는 것에 더 큰 어려움이 있다.

뿐만 아니라, 대형 사이트에서 외국산 솔루션이 강세를 보여온 바와 같이, 확장성의 보장과 안정성 및 보안성에 있어서 기존의 빌링 시스템의 클라이언트(Client) 사용자측 체크방식은 클라이언트 수정부분이 매우 취약하였으며, 이를 해결하기 위해 일반적으로 사용되는 2중 인증장치는 로그-인을 여러 번 하거나 유료인증 패스워드(Password)를 여러 번 묻는 방식으로서 사용자나 컨텐츠 제공업체(Contents Provider, CP)에서 모두 꺼려하는 결제 방식으로 연동되는 문제점이 있다.

뿐만 아니라 기존의 빌링 시스템에 있어서 사용자의 서비스 체류시간을 로그로 쌓아 분석하는 방식은 사용자의 서비스 종료시점이 사용자의 서비스 강제종료나 PC(Personal Computer)다운(Down), 그리고 빌링 시스템의 서비스장애, 서비스사의 서버장애, 사용자의 전용선이나 서비스사의 전용선 장애를 감지하지 못하여 사용자의 서비스 사용 내역이 매우 부정확하게 산정 되는 문제점이 있다. 또한 기존의 빌링 방식은 하나의 결제 시스템이 도입되면 기존의 결제 시스템을 수정·보완하거나 대부분 처음부터 다시 구축해야하는 경우가 발생하게 되는 문제점이 있다.

발명이 이루고자 하는 기술적 과제

따라서 본 발명의 목적은 상기의 문제점을 해결하기 위하여 인터넷 컨텐츠의 과금처리 솔루션을 기반으로 모든 컨텐츠를 실행할 수 있는 서비스를 웹사이트 내에 구축하고, 사용자의 한번의 로그-인(Log-in)으로 모든 컨텐츠 제공업체의 로그인을 그대로 사용하며, 사용자의 서비스 사용을 감시시스템방식으로 감지하여 사용자의 서비스 사용내역을 정확하게 산정하고, 멀티캐스팅 체크방식을 채택하여 크래킹(Cracking) 및 보안상의 취약점을 보완하여 간결하고 정확한 보안정책을 사용하며, 모든 결제 시스템을 흡수하고, 사용자 조회 및 내용내역을 서비스 업체의 요구에 따라 실시간으로 과금 변환하여, 사용자의 다양한 모든 통신수단과 접목한 다양한 결재방식으로 회수대행사를 통해 최종 결재할 수 있는 인터넷 프로토콜을 이용한 웹 빌링 시스템 및 그를 위한 방법을 제공함에 있다. 바람직하게는 모든 인터넷 컨텐츠를 논리적으로 다양한 결제방식을 통하여 유료화 시키고, 마케팅 요소와 고객지향 요소를 결합한 종합적 영업지원 시스템을 제공하는 인터넷 프로토콜을 이용한 웹 빌링 시스템 및 그를 위한 방법을 제공함에 있다.

본 발명의 다른 목적은 인터넷 컨텐츠의 과금처리 솔루션을 기반으로 모든 컨텐츠를 실행할 수 있는 서비스를 웹사이트 내에 구축하고, 컨텐츠 제공업체의 다양한 서비스를 통합하여 실행하고 과금할 수 있는 공통의 툴(Tool)을 가지는, 네트웍 플랫폼(Network Platform)을 구현하기 위한 인터넷 프로토콜을 이용한 웹 빌링 시스템 및 그를 위한 방법을 제공함에 있다.

본 발명의 또 다른 목적은 게임(Game), 만화, 엔터테인먼트(Entertainment) 등 모든 종류의 컨텐츠와 접목하여 직접 사용자가 이용할 수 있는 확장성을 바탕으로 하여, 네트웍 게임 플랫폼을 구축함으로써 게임컨텐츠에 대한 통합적인 인터넷 프로토콜을 이용한 웹 빌링 시스템 및 그를 위한 방법을 제공함에 있다.

상기 목적을 달성하기 위한 본 발명은 사용자 자신이 회원 가입된 상기 웹 빌링 서버의 아이디(Identification, ID) 및 패스워드 정보로 로그-인 하여 원하는 컨텐츠를 이용할 수 있는 사용자 단말장치와, 사용자 자신이 회원 가입된 상기 웹 빌링 서버의 아이디 및 패스워드 정보, 사용자가 이용하는 컨텐츠 종 랭킹(Ranking) 정보를 생성하는 컨텐츠의 랭킹 데이터와 사용자가 이용한 컨텐츠 사용내역에 대한 과금정보를 저장하는 회원정보 데이터 베이스(Data Base), 랭킹 데이터 베이스, 과금정보 데이터 베이스를 구비하는 웹 빌링 서버와, 분산/병렬처리를 위한 게이트웨이 서버(Gateway Server)를 할당하고 접속하기 위해 상기 웹 빌링 서버에서 접속하는 다수의 할당서버(Allocation Server)들과, 사용자의 컨텐츠 선택에 대응하는 다수의 서비스 이용 접속들을 각 컨텐츠 제공업체별 컨텐츠 제공서버에 분산하여 병렬 처리하는 다수의 게이트웨이 서버들과, 상기 다수의 게이트웨이 서버들에서 분산하여 병렬 처리된 다수의 서비스 이용 접속들에 대응하여 컨텐츠를 제공하는 각 업체별 컨텐츠 제공 서버들과, 상기 웹 빌링 서버를 통하여 상기 컨텐츠를 이용한 사용자의 컨텐츠 사용 내역에 대응하는 과금정보를 수신하여 사용자에게 정보이용료로서 청구하는 과금회수 대행사를 포함하여 구성하는 인터넷 프로토콜을 이용한 웹 빌링 시스템을 구현하며, 인터넷을 통하여 사용자의 웹 서버 접속을 위한 아이디 및 패스워드 정보를 회원정보 데이터 베이스에 기 저장된 정보와 비교하는 과정과, 상기 비교 결과 사용자의 입력정보와 회원정보 데이터 베이스의 정보가 일치하면 보안을 설정하고, 상기 사용자의 회원정보 및 컨텐츠 메뉴화면을 디스플레이 하는 과정과, 사용자의 컨텐츠 선택에 대응하여 해당 컨텐츠의 과금정보를 디스플레이 하는 과정과, 상기 선택된 컨텐츠를 실행하고 이에 대응하는 과금정보를 기록하는 과정과, 상기 컨텐츠 사용 감시 중 상기 컨텐츠 사용 종료에 대응하여 과금정보 저장 및 컨텐츠의 사용을 종료하는 과정과, 상기 사용한 컨텐츠에 대응한 사용자의 회원정보 및 과금정보를 과금회수 대행사로 전송하는 과정으로 이루어지는 인터넷 프로토콜을 이용한 웹 빌링 방법을 구현함을 특징으로 한다.

발명의 구성 및 작용

이하 본 발명의 바람직한 실시 예를 첨부한 도면을 참조하여 상세히 설명한다. 우선 각 도면의 구성 요소들에 참조부호를 부가함에 있어서, 동일한 구성 요소들에 한해서는 비록 다른 도면상에 표시되더라도 가능한 한 동일한 부호를 가지도록 하고 있음에 유의해야 한다. 또한, 하기의 설명에서 구체적인 처리흐름과 같은 많은 특정 상세들은 본 발명의 보다 전반적인 이해를 제공하기 위해 나타나 있다. 이들 특정 상세들 없이 본 발명이 실시될 수 있다는 것은 이 기술분야에서 통상의 지식을 가진 자에게는 자명할 것이다. 그리고 본 발명의 요지를 불필요하게 흐릴 수 있다고 판단되는 공지 기능 및 구성에 대한 상세한 설명은 생략한다.

도 1은 본 발명의 실시 예에 따른 인터넷 프로토콜에 기반한 웹 빌링 시스템의 네트웍 구성도로서, 크게 사용자 단말장치(10), 웹 서버(104), 웹 빌링 서버(110), 데이터 베이스(20), 컨텐츠 제공서버(50), 과금회수 대행사(106)로 구성된다. 도 1을 참조하면, 사용자 단말장치(10)는 유·무선 인터넷 프로토콜을 기반으로 하여 웹 서버(104)에 접속하여 컨텐츠를 사용할 수 있는 모든 유·무선 단말장치들을 나타낸다. 사용자 단말장치(10)는 인터넷 프로토콜을 기반으로 하여 웹 서버(104)를 통해 상기 시스템에 접속하여 컨텐츠 제공업체의 컨텐츠 제공서버(50) 및 베틀서버(108)를 통하여 각종 컨텐츠의 이용이 가능하도록 하는 단말장치이다. 컨텐츠를 생산하거나 전자상거래 등을 통하여 유료의 컨텐츠를 제공하는 컨텐츠 제공업체들은 상기 시스템의 제휴업체로서, 웹 서버(104)에 접속된 다수의 할당서버(30) 및 다수의 게이트웨이 서버(40)를 통하여 접속되는 각 컨텐츠 서버들을 구축하여, 상기 사용자 단말장치(10)를 통해 상기 시스템에 회원으로 가입한 후 웹 서버(104)접속한 사용자가 요청하는 컨텐츠들을 제공하게 된다.

본 발명에 따른 웹 빌링 시스템(60)의 웹 빌링 서버(110)는 회원정보DB(Data Base)(112), 네트웍 게임 랭킹(Ranking)DB(114), 과금정보DB(116)를 포함하는 데이터 베이스(20)를 구비하며, 인터넷(104)을 통해 상기 시스템에 접속되어, 사용자 단말장치(10)로부터의 회원 인증 및 인증 확인에 대응하여 웹 서버(104)로부터 웹 빌링에 필요한 사용자측 모듈(Module)(보안인증, 암호화 모듈, 빌링모듈)을 사용자 단말장치(10)로 자동 탑재시킨다. 그리고 할당서버(30)는 사용자가 선택한 컨텐츠를 실행할 수 있도록 분산/병렬 처리된 게이트웨이(40)를 제어, 컨텐츠 서버(50)로부터의 데이터 패킷(Data Packet)을 필터링(Filtering)하여 다양한 컨텐츠별, 수단별로 옵티마이징(Optmizing)한다. 또한 웹 빌링 서버(110)는 사용자의 해당 컨텐츠 사용 내역에 따른 과금정보를 과금회수 대행사(106)로 전송하여 사용자의 요금을 실제 납입자에게 일반유선전화, ARS전화, 자동이체, 이동전화, 무통장입금, 신용카드, 전자 화폐, 이메일 결제, 상품권 등 다양한 창구로 지불할 것을 요청하는 정보이용료 청구를 수행할 수 있도록 한다. 본 발명의 일 실시 예에서는 사용자가 이용한 컨텐츠에 대한 요금을 월말의 지정된 날짜에 과금회수 대행사(106)인 한국통신에 전송하여 전화 사용료 납부 고지서에 정보이용료로서 청구할 수 있다.

본 발명에 따른 웹 빌링 서버(110)는 청구작업을 위한 이용자의 요금계산 뿐만 아니라, 청구한 요금에 대한 납부와 미납·환불처리를 수행하는 수납기능과, 수납한 요금에 대한 통계작업을 수행하는 결산기능과, 제휴업체와 수납한 요금에 대한 정산작업을 수행한다. 또한 현재 유료서비스 기반의 업체들이 이용시간과 양에 기반을 둔 서비스를 사용 전에 청구하는 선불정액제의 과금방식을 선호하고 있으나, 컨텐츠가 다양해짐에 따라 더불어 다양해지는 빌링 방식에 맞추어, 컨텐츠의 양과 질에 따라 컨텐츠의 가치를 시간(Time), 히트(Hit), 패킷(Packet), 세션(Session) 등을 단위로 하여 사용량을 집계한 다음 과금하는 방식의 후불종량제를 또한 지원한다. 이는 컨텐츠의 특성에 따라 그 가치를 측정할 수 있어, 사용자의 요구를 적극 반영할 수 있다.

데이터 베이스(20)는 사용자 자신이 회원 가입된 상기 웹 빌링 서버(110)의 아이디 및 패스워드 정보와, 사용자가 이용하는 컨텐츠 종 랭킹 정보를 생성하는 컨텐츠의 랭킹 데이터와 사용자가 이용한 컨텐츠 사용내역에 대한 과금정보를 저장하는 회원정보 데이터 베이스(112), 랭킹 데이터 베이스(114), 과금정보 데이터 베이스(116)를 구비한다. 세분화되는 컨텐츠별 다양한 지원을 위한 상기 할당 서버(30)는 분산/병렬 시스템 방식으로 구성된 상기 게이트웨이 서버(120)들을 할당하고 접속하기 위해 상기 웹 빌링 서버(110)에서 접속하는 다수의 할당서버(118)들을 구비하며, 게이트웨이 서버(40)는 사용자의 컨텐츠 선택에 대응하는 다수의 서비스 이용 접속들을 각 컨텐츠 제공업체별 컨텐츠 제공서버(50)에 분산하여 병렬 처리하는 다수의 게이트웨이 서버들(120)을 구비한다. 그리고 컨텐츠 제공서버(50)는 상기 다수의 게이트웨이 서버들(120)에서 분산하여 병렬처리 된 다수의 서비스 이용 접속들에 대응하여 컨텐츠를 제공하는 각 업체별 컨텐츠 제공서버(122)들을 구비한다.

과금회수 대행사(106)는 웹 빌링 서버(110)로부터 전송되는 컨텐츠를 이용한 사용자의 회원정보와 컨텐츠 사용 내역에 대응하는 과금정보를 인터넷 프로토콜을 기반 웹 서버(104)를 통하여 회원정보DB(112) 및 과금정보DB(116)로부터 수신하여 사용자에게 정보이용료로서 청구한다.

웹 빌링 서버(110)는 사용자 단말장치(10)가 연결된 상태에서 인터넷 프로토콜을 기반으로 하여 웹 서버(104)를 통해 배틀 서버(108)나 각 컨텐츠 제공업체의 컨텐츠 제공서버(50)에 접속할 수 있는 환경, 예를 들어 웹 브라우저를 내장하여 구동할 수 있는 컴퓨터로서, 상기 도 1에 구성된 본 발명의 실시 예에 따른 인터넷 프로토콜을 이용한 웹 빌링 시스템의 네트웍 구성도에서 웹 빌링 서버(110)를 보다 구체적으로 도시한 것이 도 2이다. 상기 도 2는 본 발명의 실시 예에 따른 인터넷 프로토콜을 이용한 웹 빌링 시스템(60)내 웹 빌링 서버(110)의 상세 블록 구성도로서, 서버 제어부(200), 사용자 인증부(202), 네트웍 인터페이스부(204), 시스템 보안부(206), 시스템 감시부(208), 빌링부(210) 및 공유메모리(212)로 이루어지며, 본 발명의 실시 예에 따른 인터넷 프로토콜을 이용한 웹 빌링 시스템의 전반적인 동작을 제어한다.

서버 제어부(200)는 웹 빌링 서버(110)의 사용자 인증, 보안 설정, 배틀서버(108)와 컨텐츠 제공서버(50)접속, 과금을 위한 시스템 감시 및 빌링의 전반적인 동작을 제어하며, 특히 본 발명에 따른 사용자별, 과금형태별, 사용시간별, 업체별 사용내역 계산 프로그램 및 과금정보 계산 프로그램을 구비하여 사용자의 컨텐츠 이용에 따른 과금정보를 기록 및 저장한다. 공유메모리(212)는 롬(ROM:Read Only Memory) 및 (RAM:Random Access Memory)으로 구성되어, 롬은 서버 제어부(200)의 동작에 필요한 각종 운영 프로그램을 내장하며, 상기 운영 프로그램의 구동 시 필요한 각종 기본 데이터를 저장한다. 램은 상기 서버 제어부(200)의 제어에 의해 동작되는 프로그램을 임시 저장하거나 상기 동작 프로그램 수행 시 발생되는 데이터를 일시 저장한다. 네트웍 인터페이스부(204)는 사용자 단말장치(10)와 웹 빌링 서버(110)간에 인터넷(104)을 통해 송/수신되는 데이터를 인터페이스 한다.

사용자 인증부(202)는 PKI(Public Key Infrastructure:공개 키 기반구조)에 기반한 디지털 인증서를 발급하고 검증하며, 사용자가 인터넷 사용을 위해 접속하면 사용자 신원확인(Identification)을 확인 후에 인증서를 발급하거나, 인증서가 이미 발급된 사용자인 경우 인증암호 확인을 통해서 사용자를 인증한다. 특히 본 발명의 실시 예에 따른 사용자 인증부(202)는 기존의 로그-인의 반복수행이나 반복되는 유료인증 패스워드 질의/응답에 대하여, 시스템 보안부(206)에서 채택하여 수행하는 멀티 캐스팅 체크방식에 따라 사용자가 이용하는 컨텐츠 제공 서버(50)에 독립적으로 완벽한 보안을 유지함에 따라, 한번의 웹 빌링 서버(110)에 대한 로그-인으로 모든 결제 방식이 연동하여 처리된다. 시스템 보안부(206)에서 수행되는 상기 멀티 캐스팅 체크방식은 사용자와 사용자가 이용하고자하는 컨텐츠 제공서버(50)를 웹 빌링 서버(110)상에 단순 링크시키는 것이 아니라, 컨텐츠 제공업체의 서버를 캡쳐(Capture)하여 컨텐츠 제공서버(50)로부터의 패킷을 필터링 한 후 컨텐츠별, 수단별로 옵티마이징 하는 방식을 사용함으로써, 기존의 단순링크의 경우 컨텐츠 제공업체에서 반드시 필요하였던 클라이언트 수정부분을 제거하여 클라이언트 사용자측 체크방식의 취약점을 정확히 방어할 수 있도록 한다.

시스템 감시부(208)는 기존의 로그-인 시점에서부터 사용자의 서비스 체류시간을 로그로 쌓아서 분석하는 방식의 문제점을 해결하기 위해 감시 시스템 방식을 구현하여 사용자의 서비스 사용내역 시간을 체크한다. 따라서 사용자의 서비스 강제종료나 PC다운, 웹 빌링 서비스의 장애, 서비스사의 서버장애 및 사용자의 전용선이나 서비스사의 전용선 장애를 모두 감지하여 사용자의 서비스 종료시점을 판단함으로써, 사용자의 서비스 사용내역을 더욱 정확히 분석하는 것이 가능하다.

빌링부(210)는 현재 유료서비스 기반의 업체들이 선호하고 있는 이용시간과 양에 기반을 둔 서비스를 사용 전에 청구하는 선불정액제 형태의 과금방식 뿐만 아니라, 컨텐츠가 다양해짐에 따라 더불어 다양해지는 빌링방식에 맞추어, 컨텐츠의 양과 질에 따라 컨텐츠의 가치를 시간(Time), 히트(Hit), 패킷(Packet), 세션(Session) 등을 단위로 하여 사용량을 집계한 다음 과금하는 방식의 후불종량제를 또한 지원한다. 이는 컨텐츠의 특성에 따라 그 가치를 측정할 수 있어, 사용자의 요구를 적극 반영할 수 있다. 본 발명의 바람직한 실시 예에 따른 빌링부(210)는 청구작업을 위한 이용자의 요금계산 뿐만 아니라, 청구한 요금에 대한 납부와 미납·환불처리를 수행하는 수납기능과, 수납한 요금에 대한 통계작업을 수행하는 결산기능과, 제휴업체와 수납한 요금에 대한 정산작업을 수행한다.

도 3은 본 발명의 실시 예에 따른 인터넷 프로토콜을 이용한 웹 빌링 시스템에서의 전자결제 처리 흐름도로서, 웹 빌링 서버(110)의 사용자 인증 및 인증 확인 프로세스와 컨텐츠 이용 시 이에 대한 과금 프로세스와 과금회수 대행사로 회원정보 및 과금정보를 전송하는 과정을 도시한 도면이다. 이하 상기 도 1 및 도 3을 참조하여 인터넷 프로토콜을 이용한 웹 빌링 방법 수행동작을 설명하기로 한다. 본 발명에 따른 인증 프로세스는 보안상 중요한 역할을 담당한다. 사용자의 신원만을 확인하는 것이 아니라, 인증을 함으로써 보안상에서의 계정(Accountability)을 보장할 수 있다. 특히 본 발명의 바람직한 실시 예에 따른 사용자 인증은 기존의 로그-인의 반복수행이나 반복되는 유료인증 패스워드 질의/응답을 피하여, 사용자가 로그-인 수행 시 한번의 웹 빌링 서버(110)에 대한 로그-인으로 모든 결제 방식이 연동하여 처리된다. 본 발명의 실시 예에 따른 사용자 인증 프로세스에서 채택하여 수행하는 멀티 캐스팅 체크방식은, 사용자가 이용하는 컨텐츠 제공 서버(50)에 독립적으로 완벽한 보안을 유지할 수 있도록 사용자와 사용자가 이용하고자하는 컨텐츠 제공서버(50)를 웹 빌링 서버(110)상에 단순 링크시키는 것이 아니라, 컨텐츠 제공업체의 서버를 캡쳐(Capture)하여 컨텐츠 제공서버(50)로부터의 패킷 필터링(Packet Filtering) 방식을 이용한다. 따라서 기존의 단순링크의 경우 컨텐츠 제공업체에서 반드시 필요하였던 클라이언트 수정부분을 제거하여 클라이언트 사용자측 체크방식의 취약점을 정확히 방어할 수 있도록 한다.

이러한 인증 프로세스의 초기 절차는 상기 도 3에 도시된 프로세스와 같이, 300단계 및 302단계에서 도 2의 웹 빌링 서버(110)의 서버 제어부(200)는 사용자 단말장치(10)로부터 전송되는 사용자 아이디/패스워드를 수신한다. 서버 제어부(200)는 304단계에서 사용자 인증부(202)를 제어하여 사용자로부터 요청된 인증 요청을 수신하고, 회원정보DB(112)에 저장되어 있는 사용자 신원정보와 비교하여, 일치하면 인증을 확인하여 인증서 발급 절차에 따라 인증서를 발급한다. 그러면 웹 빌링 서버(110)의 서버 제어부(200)는 상기 사용자 인증부(202)로부터의 인증 확인에 따라 인증서를 다운로드받아 사용자 계정을 확인한다.

306단계에서 서버 제어부(200)는 시스템 보안부(206)을 제어하여 보안을 설정한다. 본 발명의 실시 예에 따른 보안 설정은 상술한 바와 같이 사용자와 사용자가 이용하고자하는 컨텐츠 제공서버(50)를 웹 빌링 서버(110)상에 단순 링크시키는 것이 아니라, 컨텐츠 제공업체의 서버를 캡쳐(Capture)하여 컨텐츠 제공서버(50)로부터의 패킷 필터링(Filtering) 방식을 이용함으로써, 웹 빌링 서버(110)에 한번 로그-인하여 사용자가 이용하는 컨텐츠 제공 서버(50)에 독립적으로 완벽한 보안을 유지할 수 있도록 하는 멀티 캐스팅 체크방식을 구동한다.

서버 제어부(200)는 308단계에서 도 2의 데이터 베이스(20)의 회원정보DB(112)와 랭킹DB(114)로부터 회원정보 및 컨텐츠 메뉴화면을 디스플레이한다. 그리고 308단계에서 사용자의 컨텐츠 선택에 따라 312단계로 진행하여 해당 컨텐츠의 과금정보를 디스플레이한다. 이때 과금정보는 과금정보DB(116)로부터 참조되며, 314단계의 컨텐츠 실행 및 과금정보가 또한 과금정보DB(116)에 기록된다.

한편 서버 제어부(200)는 사용자 로그-인 후 시스템 감시부(208)를 제어하여 시스템 감시부(208)로 하여금 감시 시스템 방식을 구현하여 사용자의 서비스 사용내역 시간을 체크하도록 한다. 따라서 사용자의 서비스 강제종료나 PC다운, 웹 빌링 서비스의 장애, 서비스사의 서버장애 및 사용자의 전용선이나 서비스사의 전용선 장애를 모두 감지하여 사용자의 서비스 종료시점을 판단함으로써, 사용자의 서비스 사용내역을 더욱 정확히 분석한다. 서버 제어부(200)는 316단계의 판단에서 컨텐츠 사용 종료에 대응된 시스템 동작을 감지하면, 318단계로 진행하여 컨텐츠 실행을 종료하고 과금정보DB(116)에 과금정보를 저장한다.

이후 서버 제어부(200)는 320단계로 진행하여 소정 기일에 사용자의 요금을 실제 납입자에게 다양한 창구로 지불할 것을 요청하는 청구를 수행할 수 있도록, 과금회수 대행사로 회원정보 및 과금정보를 전송한다.

도 4는 본 발명의 실시 예에 따른 인터넷 프로토콜을 이용한 웹 빌링 시스템에서의 전자결제 처리 개념도이다. 이하 상기 도 1 및 도 4를 참조하여 본 발명의 실시 예를 상세히 설명한다.

먼저 도 4는 본 발명에 따른 실시 예로서, 인터넷 프로토콜을 이용한 웹 빌링 시스템을 기반으로 하여, 사용자에게 사용자 단말장치(400, 402)를 통하여 각 게임사별 게임서버(50)로부터 제공하는 다양한 게임들을 실행할 수 있도록 구현된 서비스를 보이고 있다. 인터넷 온라인 및 네트웍(PC)게임은 특히 유료화가 활발히 진행되고 있는 대표적인 인터넷 유료 컨텐츠로서 이해되어야 하며, 영화, 만화, 기타 유용한 정보를 가지는 다양한 컨텐츠들이 또한 본 발명에 적용될 수 있음은 당업자에게 자명하다.

본 발명에 따른 인터넷 프로토콜을 이용한 웹 빌링 시스템의 회원으로 가입한 사용자는 상기 시스템을 이용하여 한번의 로그-인으로 상기 웹 빌링 시스템과 제휴한 모든 게임 제공업체의 게임 제공서버(50)에서 제공하는 게임을 이용하고자 하는 경우 PC(Personal Computer) 등과 같이 인터넷이 가능한 사용자 단말장치(400, 402)를 이용하여 웹 빌링 서버(110)에 접속하게 된다. 본 발명의 실시 예에 따라 인터넷 프로토콜을 이용한 게임은 온라인 게임과 네트웍(PC)게임으로 크게 나눌 수 있으며, 따라서 온라인게임 사용자(400)와 네트웍(PC) 게임 사용자(402)의 구분에 따라 접속방법 및 게임 실행방법에 약간의 차이가 있다.

우선 온라인게임 사용자(400)나 네트웍게임 사용자(402)가 웹 빌링 서버(110)로 회원인증을 요청(S11, S21)하면, 상기 시스템의 웹 빌링 서버(110)는 회원 가입자의 접속을 인식하고 시스템 접속을 위한 회원 아이디 및 패스워드의 입력을 요구하게 된다.

이에 따라 상기 회원 가입자는 상기 시스템에 접속하기 위하여 자신의 회원 아이디 및 패스워드를 입력시키게 되는데 그러면 상기 웹 빌링 서버(110)는 상기 회원 가입자로부터의 아이디 및 패스워드를 입력받고 웹 빌링 서버(110)의 데이터 베이스(20)내 회원정보DB(112)를 참조하여 상기 회원 가입자가 등록된 회원 가입자인지 여부를 검사한다. 이때 만일 상기 회원 가입자의 아이디 및 패스워드가 등록된 회원의 아이디 및 패스워드로 판정되는 경우 웹 빌링 서버(110)는 상기 회원정보DB(112)를 검색하여 상기 인증된 회원 가입자의 회원정보 및 게임선택을 위한 메뉴화면을 사용자 단말장치(400, 402)의 표시부에 디스플레이 시킨다. 이때 본 발명의 실시 예에 따른 인터넷 프로토콜을 이용한 웹 빌링 시스템은, 각 게임업체 서버(50)로부터의 데이터 패킷을 필터링 방식을 구현함으로써, 사용자측 체크방식의 클라이언트 수정부분을 없애고 정확히 방어할 수 있도록 한다. 이에 따라 온라인게임 사용자(400)의 경우에는 웹 빌링 서버(110)로부터 회원인증(S11)에 대응하여 웹 빌링에 필요한 모듈(보안인증, 암호화 모듈, 빌링 모듈)을 자동으로 탑재하며(S12), 네트웍게임 사용자(402)의 경우에는 네트웍 플랫폼(런처)을 자동으로 다운로드받는다(S22). 그런 후 원하는 게임을 선택하고 실행한다(S13, S23).

온라인게임 사용자(400)의 경우에는 게임 실행 시, 웹 빌링 서버(110)를 통하여 할당서버로 접속한다(S14). 할당서버(30)는 분산/병렬처리를 위한 게이트웨이 서버(120)들을 할당하고 접속하기 위한 서버로서 게이트웨이 서버(40)로 접속한다(S15). 게이트웨이 서버(40)는 사용자의 컨텐츠 선택에 대응하는 다수의 서비스 이용 접속들을 각 컨텐츠 제공업체별 컨텐츠 제공서버(50)에 분산하여 병렬 처리하는 서버로서, 각 게임사별 게임서버로 접속하여, 게임을 실행한다(S16). 그리고 게이트웨이 서버(40)는 사용자가 각 게임사별 게임서버로 접속하여 게임을 실행함에 따라 그에 따른 과금데이터를 과금정보DB(116)로 전송한다(S17). 이때 상기 과금정보는 도 5c에 도시된 바와 같이, 사용자별, 과금형태별, 사용시간별 및 업체별로 구분될 수 있다.

한편, 네트웍게임 사용자(402)는 게임 실행 시, 웹 빌링 서버(110)를 통하여 배틀 서버(108)에 런처 접속한다(S24). 배틀 서버(108)는 사용자가 게임을 실행함에 따라 그에 따른 사용자의 랭킹 정보를 랭킹DB(114)에 등록하고(S25), 사용내역에 따른 과금데이터를 과금정보DB(116)에 전송한다(S26). 또한 상기 과금정보는 도 5c에 도시된 바와 같이, 사용자별, 과금형태별, 사용시간별 및 업체별로 구분될 수 있다. 상기한 바와 같이 사용자의 회원정보, 랭킹정보 및 과금정보는 따로 백업서버(408)를 두어 데이터를 안전하게 유지·관리한다.

이에 따라 웹 빌링 서버(110)는 회원정보DB(112), 랭킹DB(114) 및 과금정보DB(116)로부터 게임을 이용한 회원의 정보와 과금정보를 과금회수 대행사(106)로 전송하고(S18, S27), 상기 과금회수 대행사(106)는 온라인게임 사용자(400) 및 네트웍게임 사용자(402)에게 고지서 등을 발행하여 정보이용료를 청구한다(S19, S28). 이때 사용자에게 청구되는 정보이용료는 도 5b에 도시된 바와 같이 사용자가 선택한 과금방법에 따라 선·후불제, 종량제, 정액제로 구분될 수 있다. 이에 따라 사용자는 도 5a에 도시된 바와 같이 다양한 지불결제수단을 통하여 이용한 게임에 대하여 다양한 창구로 지불한다. 사용자가 지불한 정보이용료는 은행, 카드사 또는 통신사(404) 등을 통하여 과금회수 대행사(106)에 의하여 최종 결재된다.

상술한 바와 같이 본 발명은 인터넷 프로토콜을 이용한 웹 빌링 시스템 및 그를 위한 방법에 있어서, 사용자와 사용자가 이용하고자하는 컨텐츠 제공업체의

서버를 캡쳐하여 컨텐츠 제공서버로부터의 패킷 필터링 방식을 사용하는 멀티 캐스팅 체크방식을 채택하여 수행함에 따라 한번의 웹 빌링 서버에 대한 로그-인으로 모든 결제 방식의 연동처리가 가능하며, 기존의 단순링크의 경우 컨텐츠 제공업체에서 반드시 필요하였던 클라이언트 수정부분을 제거하여 클라이언트 사용자측 체크방식의 취약점을 정확히 방어하여 사용자로 하여금 이용하고자 하는 컨텐츠 제공서버에 독립적으로 완벽한 보안을 유지할 수 있도록 하고, 사용자의 서비스 강제종료나 PC다운, 웹 빌링 서비스의 장애, 서비스사의 서버장애 및 사용자의 전용선이나 서비스사의 전용선 장애를 모두 감지하여 사용자의 서비스 종료시점을 판단함으로써 사용자의 서비스 사용내역을 분석하는 감시 시스템 방식을 구현하여 사용자의 서비스 사용내역 시간을 더욱 정확히 체크하며, 현재 유료서비스 기반의 업체들이 선호하고 있는 이용시간과 앙에 기반을 둔 서비스를 사용 전에 청구하는 선불정액제 형태의 과금방식 뿐만 아니라, 컨텐츠가 다양해짐에 따라 더불어 다양해지는 빌링방식에 맞추어, 컨텐츠의 양과 질에 따라 컨텐츠의 가치를 시간(Time), 히트(Hit), 패킷(Packet), 세션(Session) 등을 단위로 하여 사용량을 집계한 다음 과금하는 방식의 후불종량제를 지원한다. 즉, 본 발명은 청구작업을 위한 이용자의 요금계산 뿐만 아니라, 청구한 요금에 대한 납부와 미납·환불처리를 수행하는 수납기능과, 수납한 요금에 대한 통계작업을 수행하는 결산기능과, 제휴업체와 수납한 요금에 대한 정산작업을 인터넷 컨텐츠 이용 과금처리 솔루션을 기반으로 하여 모든 컨텐츠를 실행할 수 있도록 하는 서비스를 웹사이트 내에 구축하여 수행한다.

따라서 본 발명의 실시 예에 따른 인터넷 프로토콜을 이용한 웹 빌링 시스템은 다양한 방법으로 사용자를 감지하며 잔여 결제액에 대한 서비스정지를 명령할 수 있으며, 잔여 결제 내역에 따른 서비스정지 경고나 서비스중지에 대한 피해사례에 대한 대책과, 가장 취약한 실시간 분당 결제 시스템에 대한 다양한 오류나 도움말 페이지 경고창을 제공한다. 또한 본 발명의 실시 예에 따른 인터넷 프로토콜을 이용한 웹 빌링 시스템은 서비스 제약과 공유에 대한 보안, 유료 컨텐츠를 신뢰할 수 있는 중복과금 체크방지, 결제 시스템의 오류로 인한 서비스장애 방지대책 및 장애결함 자동처리 시스템, 분당 결제시스템의 과부하 분산과 클러스팅으로 안정성을 높이고 관련 시스템의 부하를 최소화한다. 뿐만 아니라 본 발명에 따른 인터넷 프로토콜을 이용한 웹 빌링 시스템은 결제시스템의 정확한 과금징수 및 서비스 사용자의 질의에 대한 자동 사용자 편의 이동창과 정보창을 제공하며, 잔여결제내역의 환불결제 감시시스템으로 모든 결제 잔여액을 정확히 처리하고, 사용자 정보에 대한 다기능 서비스 제공으로 제휴업체들의 과금내역의 조회처리 제공 및 각 서비스의 사용내역 조회 등을 제공함에 따라 본 시스템 제휴업체들의 자사회원관리 등 다양한 사용자 감시 시스템을 제공한다.

본 발명의 실시 예에 따른 인터넷 프로토콜을 이용한 웹 빌링 방법은 미래 지향적인 통합 결제 솔루션을 구현함으로써, 향후 추가될 다양한 결제방식의 탑재가 가능하며, 패킷종량제와 정액제 및 다양한 쿠폰(Coupon)방식의 모든 결제 시스템과 사이버 머니(Cyber Money, 한국통신의 전화결제 시스템 등 모든 결제방식의 통합이 가능하다. 또한 사용자 편의 위주의 설계 및 각 제휴업체의 시나리오를 추가하여 지속적인 업그레이드 및 관리가 가능하며, 서비스 업체의 요구에 따라 실시간 과금 변환 기능을 제공한다.

한편, 본 발명의 상세한 설명에서는 구체적인 실시 예를 들어 설명하였으나, 본 발명의 범위에서 벗어나지 않는 한도 내에서 여러 가지 변형이 가능함은 물론이다. 그러므로 본 발명의 범위는 설명된 실시 예에 국한되어 정해져서는 안되며 후술하는 특허청구의 범위뿐 아니라 이 특허청구의 범위와 균등한 것들에 의해 정해져야 한다.

발명의 효과

상술한 바와 같이 본 발명은 다양한 인터넷 컨텐츠를 논리적으로 다양한 결제방식을 통하여 유료화 시킬 수 있는 인터넷 프로토콜을 이용한 웹 빌링 시스템 및 그를 위한 방법에 있어서, 인터넷 컨텐츠의 요금처리 솔루션을 기반으로 하여 모든 컨텐츠 제공 서비스를 웹사이트 내에 구축함으로써, 사용자 주위의 모든 통신수단과 다양한 결제방식을 간단히 접목할 수 있으며, 특히 파일용량에 대한 과금징수와 패킷종량제를 모든 전화요금, 휴대폰, 신용카드, 사이버머니 등 다양한 결제방식과 접목할 수 있는 효과가 있다.

또한, 본 발명은 게임, 만화, 엔터테인먼트 등 모든 종류의 컨텐츠와 접목되어 사용자에게 직접 서비스 할 수 있는 신속한 확장성을 가지며, 특히 게임컨텐츠에 대한 현저한 확장성을 제공할 수 있는 이점이 있다.

또한, 본 발명은 멀티 캐스팅 체크방식을 채택함으로써 인터넷 프로토콜을 이용한 웹 빌링 시스템을 사용하는 사용자와 컨텐츠 제공업체에 간편하면서도 높은 보안성과 안정성을 제공할 수 있는 효과가 있다.

(57) 청구의 범위

청구항 1.

적어도 하나의 컨텐츠 제공업체와 적어도 하나의 컨텐츠 사용자가 인터넷 프로토콜을 이용하여 접속하는 네트웍에서, 상기 컨텐츠 제공업체가 제공하는 유료컨텐츠에 대한 상기 컨텐츠 사용자의 접속에 대응하여 발생하는 요금의 처리를 수행하는, 회원정보와 과금정보에 관련된 데이터 베이스를 적어도 구비하는 웹 빌링 서버를 구비하는 인터넷 프로토콜을 이용한 웹 빌링 시스템에 있어서,

상기 사용자가 상기 컨텐츠 제공업체의 컨텐츠를 사용하기 위해 인터넷 프로토콜 네트웍에 접속하는 적어도 하나의 사용자 단말장치와,

상기 컨텐츠 제공업체가 상기 컨텐츠를 생산하거나 전자상거래 등을 통하여 유료의 컨텐츠를 제공하기 위해 인터넷 프로토콜 네트웍에 접속하는 적어도 하나의 컨텐츠 제공서버와,

상기 웹 빌링 서버를 통하여 컨텐츠를 이용한 사용자의 회원정보와 컨텐츠 사용내역에 대응하는 과금정보를 수신하여 사용자에게 정보이용 요금을 청구하는 과금회수 대행사와,

상기 사용자 단말장치로부터의 회원인증 요구에 대응하여 사용자를 인증하고, 상기 컨텐츠 제공업체와 제휴하여 상기 컨텐츠 제공서버에 대응하는 네트웍 플랫폼을 구축하며, 상기 시스템에 회원으로 가입한 후 상기 사용자 단말장치를 통해 접속한 사용자가 요청하는 컨텐츠를 제공하고, 상기 사용자의 해당 컨텐츠 사용내역에 따른 요금을 계산하며, 상기 사용자의 컨텐츠 사용요금을 실제 납입자에게 다양한 창구로 지불할 것을 요청하도록 상기 사용요금과 과금정보를 상기 과금회수 대행사로 전송하고, 상기 청구한 요금에 대한 납부와 미납·환불처리를 수행하는 수납기능과, 상기 수납한 요금에 대한 통계작업을 수행하는 결산기능과, 상기 제휴업체와 상기 수납한 요금에 대한 정산작업을 수행하는 웹 빌링 서버로 이루어짐을 특징으로 하는 인터넷 프로토콜을 이용한 웹 빌링 시스템.

청구항 2.
제 1항에 있어서, 상기 웹 빌링 서버는,

상기 인터넷 프로토콜 네트웍을 통하여 상기 사용자 단말장치·상기 컨텐츠 제공서버와 상기 웹 빌링 서버간에 송/수신되는 데이터를 인터페이스하는 네트웍 인터페이스부와,

상기 컨텐츠 제공서버를 캡쳐하여 상기 컨텐츠 제공서버로부터의 패킷을 필터링 하는 멀티 캐스팅 체크방식을 채택하여 상기 웹 빌링 서버에 로그-인된 상기 사용자 단말장치를 상기 컨텐츠 제공서버에 독립적으로 완벽한 보안을 유지하여 웹 빌링 서버 상에서 접속시키는 시스템 보안부와,

상기 시스템 보안부에서 채택하여 수행하는 멀티 캐스팅 체크방식에 따라 상기 사용자를 상기 사용자가 이용하고자 하는 상기 컨텐츠 제공서버에 한번의 웹 빌링 서버에 대한 로그-인으로 접속시키는 사용자 인증부와,

상기 사용자의 서비스 강제종료나 상기 사용자 단말장치의 다운, 웹 빌링 서비스의 장애, 서비스사의 서버장애 및 사용자의 전용선이나 서비스사의 전용선 장애에 대한 감시 시스템 방식을 구현하여 상기 사용자의 서비스 종료시점을 판단하는 시스템 감시부와,

상기 사용자와 상기 컨텐츠 제공업체에서 요구하는 다양한 과금방식과 다양한 컨텐츠에 대응하는 다양한 빌링방식에 맞는 과금방식을 지원하며, 상기 청구작업을 위한 이용자의 요금계산, 상기 청구한 요금에 대한 납부와 미납·환불처리를 수행하는 수납기능, 상기 수납한 요금에 대한 통계작업을 수행하는 결산기능과 상기 제휴업체와 상기 수납한 요금에 대한 정산작업을 수행하는 빌링부와,

상기 웹 빌링 서버의 사용자 인증과 보안설정, 상기 컨텐츠 제공서버로의 접속, 상기 사용자가 이용한 컨텐츠에 대한 과금을 위한 시스템 감시와 빌링의 전반적인 동작을 제어하며, 다양한 형태의 사용내역 계산 프로그램과 과금정보 계산 프로그램을 구비하여 사용자의 컨텐츠 이용에 따른 상기 과금정보를 기록하고 저장하는 서버 제어부로 이루어짐을 특징으로 하는 인터넷 프로토콜을 이용한 웹 빌링 시스템.

청구항 3.
제 1항에 있어서, 상기 과금회수 대행사는,

한국통신임을 특징으로 하는 인터넷 프로토콜을 이용한 웹 빌링 시스템.

청구항 4.
제 1항에 있어서, 상기 사용자의 컨텐츠 사용요금 지불 창구는,

일반유선전화, 자동응답전화, 이동전화, 자등이체, 무통장 입금, 신용카드, 전자화폐 그리고 이메일로 결제함을 특징으로 하는 인터넷 프로토콜을 이용한 웹 빌링 시스템.

청구항 5.
제 1항에 있어서, 상기 컨텐츠는 인터넷 프로토콜을 이용한 게임임을 특징으로 하는 인터넷 프로토콜을 이용한 웹 빌링 시스템.

청구항 6.
적어도 하나의 컨텐츠 제공업체와 적어도 하나의 컨텐츠 사용자가 인터넷 프로토콜을 이용하여 접속하는 네트웍에서, 상기 컨텐츠 제공업체가 제공하는 유료컨텐츠에 대한 상기 컨텐츠 사용자의 접속에 대응하여 발생하는 요금의 처리를 수행하는, 회원정보와 과금정보에 관련된 데이터 베이스를 적어도 구비하는 웹 빌링 서버와 상기 사용자가 상기 컨텐츠 제공업체의 컨텐츠를 사용하기 위해 인터넷 프로토콜 네트웍에 접속하는 적어도 하나의 사용자 단말장치, 상기 컨텐츠 제공업체가 상기 컨텐츠를 생산하거나 전자상거래 등을 통하여 유료의 컨텐츠를 제공하기 위해 인터넷 프로토콜 네트웍에 접속하는 적어도 하나의 컨텐츠 제공서버, 상기 웹 빌링 서버를 통하여 컨텐츠를 이용한 사용자의 회원정보와 컨텐츠 사용내역에 대응하는 과금정보를 수신하여 사용자에게 정보이용 요금을 청구하는 과금회수 대행사를 포함하여 이루어지는 인터넷 프로토콜을 이용한 웹 빌링 시스템을 위한 웹 빌링 방법에 있어서,

상기 인터넷 프로토콜 네트웍을 통하여 사용자의 웹 빌링 서버 접속을 위한 아이디 및 패스워드 정보를 상기 사용자 단말장치로부터 수신하여 회원정보 데이터 베이스에 기 저장된 정보와 비교하는 과정과,

상기 비교결과, 사용자의 입력정보와 회원정보 데이터 베이스의 정보가 일치하면 보안을 설정하고 상기 사용자의 회원정보 및 컨텐츠 메뉴화면을 디스플레이 하는 과정과,

상기 사용자의 컨텐츠 선택에 대응하여 상기 해당 컨텐츠의 과금정보를 사용자에게 디스플레이 하는 과정과,

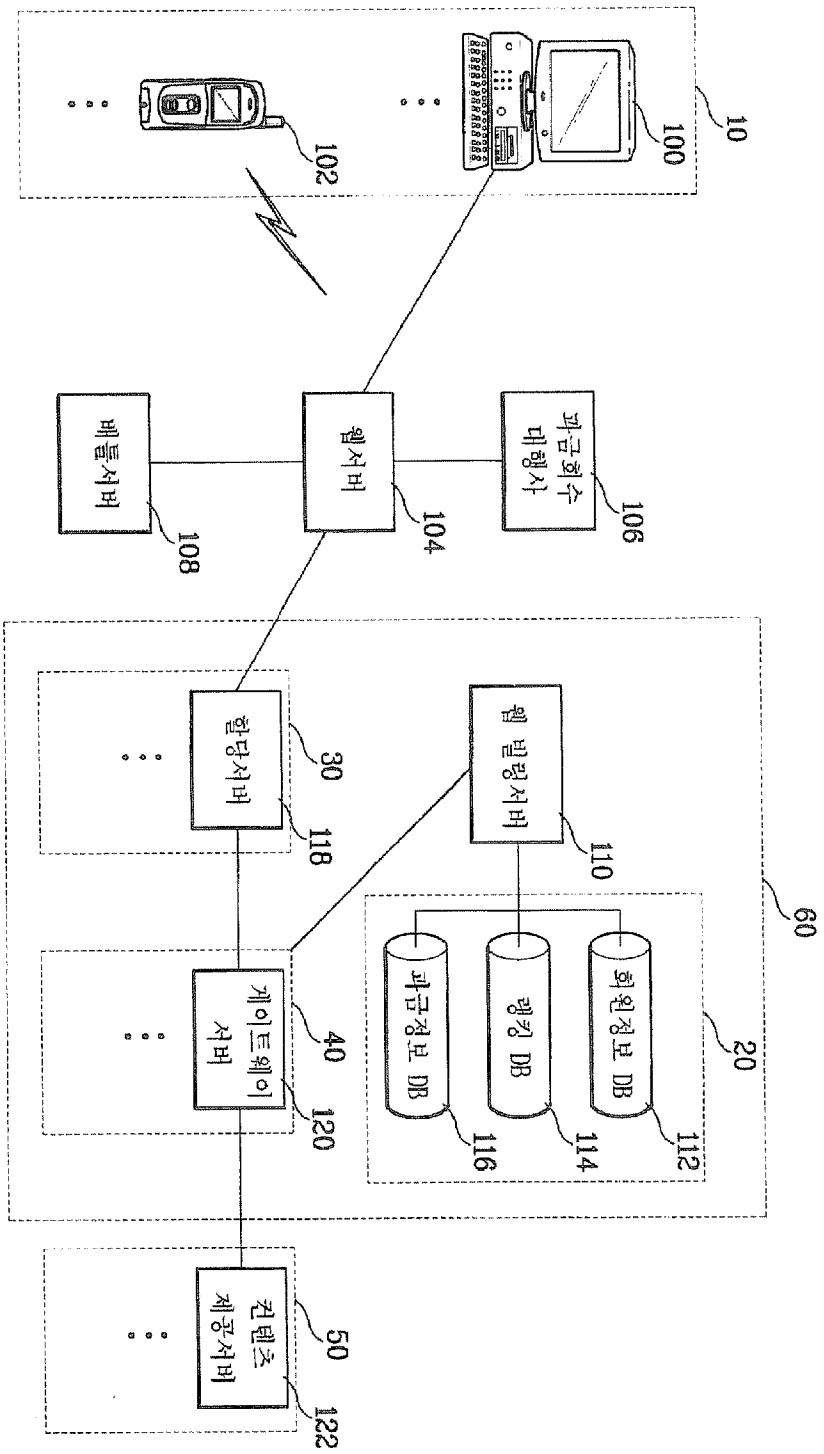
상기 선택된 컨텐츠를 실행하고 이에 대응하는 과금정보를 과금정보 데이터 베이스에 기록하는 과정과,

상기 컨텐츠 사용 감시 중 상기 컨텐츠 사용 종료에 대응하여 과금정보저장 및 컨텐츠의 사용을 종료하는 과정과,

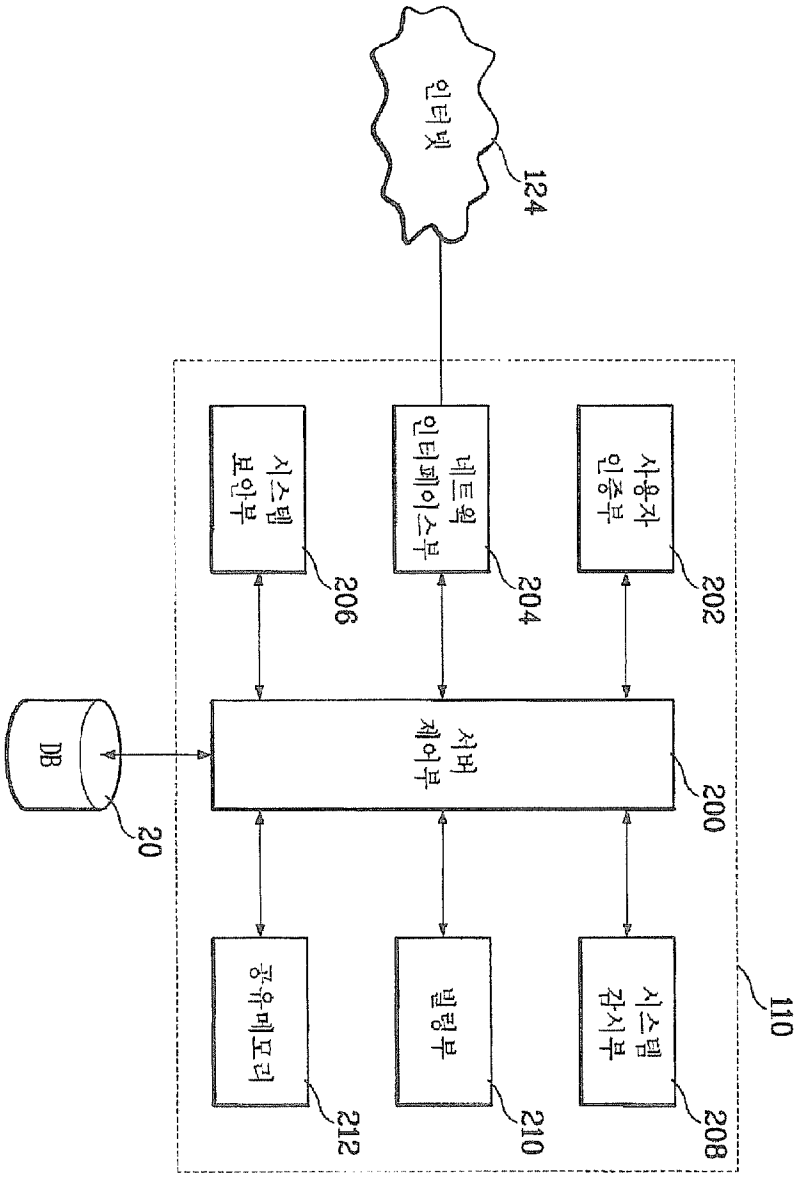
상기 사용한 컨텐츠에 대응한 사용자의 회원정보 및 과금정보를 상기 과금회수 대행사로 전송하는 과정으로 이루어지는 인터넷 프로토콜을 이용한 웹 빌링 방법.

도면

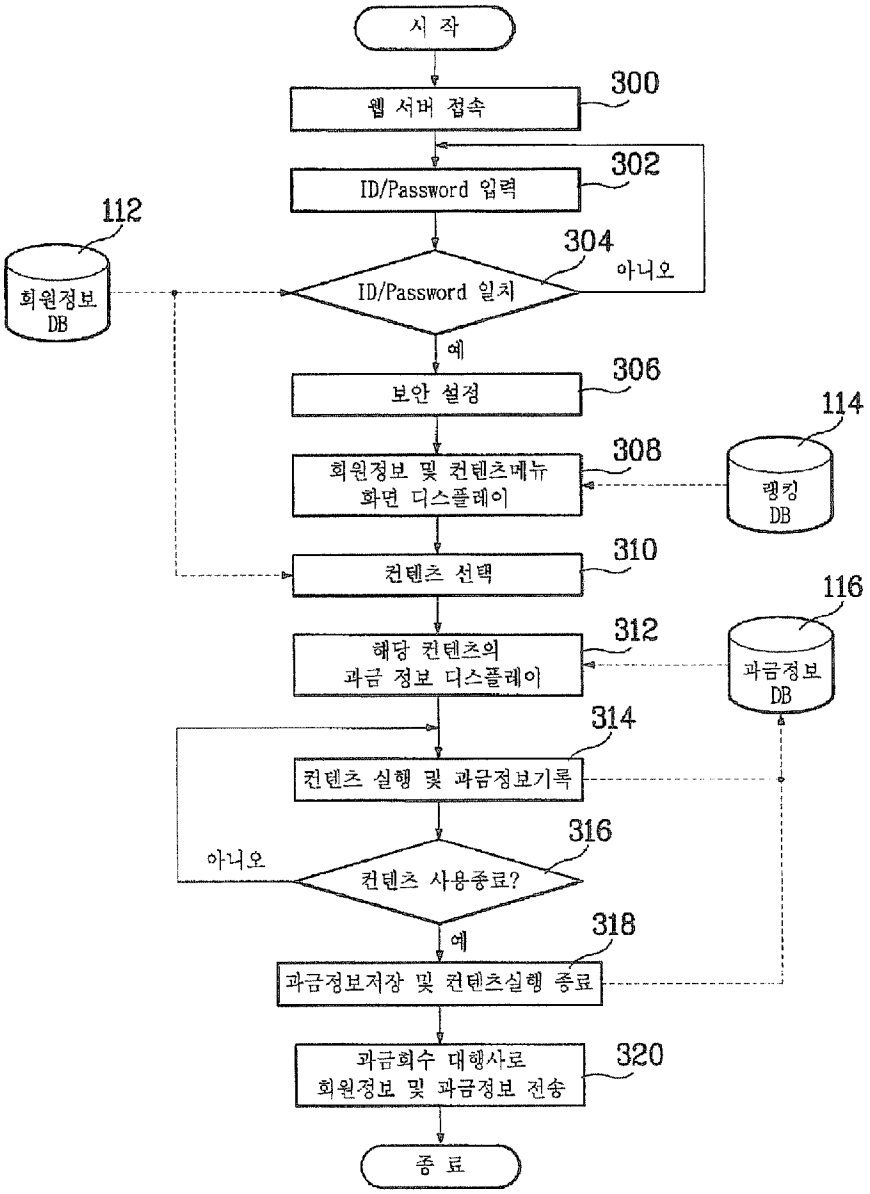
도면 1


10
100
102
웹서버
104
과금회수 대행사
106
베틀서버
108
60
할당서버
30
118
웹 빌링서버
110
20
회원정보 DB
112
랭킹 DB
114
과금정보 DB
116
게이트웨이 서버
40
120
컨텐츠 제공서버
50
122

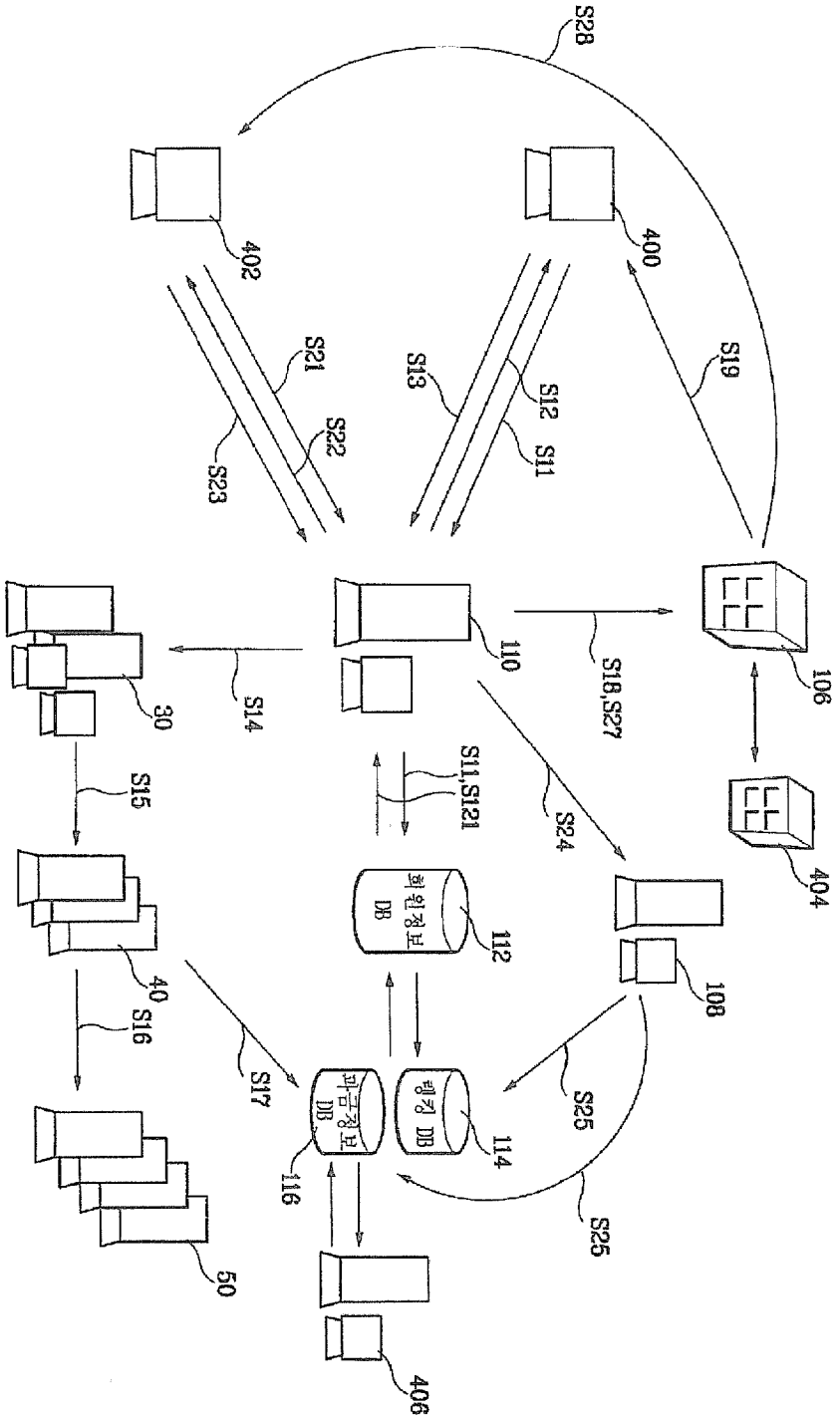
도면 2


인터넷
124
사용자 인증부
202
네트웍 인터페이스부
204
시스템 보안부
206
서버 제어부
200
DB
20
시스템 감시부
208
빌링부
210
공유메모리
212
110

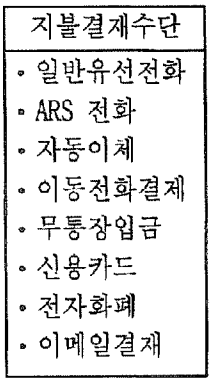
도면 3


시 작
웹 서버 접속
300
ID/Password 입력
302
112
회원정보 DB
304
ID/Password 일치
아니오
예
보안 설정
306
114
회원정보 및 컨텐츠메뉴 화면 디스플레이
308
랭킹 DB
컨텐츠 선택
310
116
해당 컨텐츠의 과금 정보 디스플레이
312
과금정보 DB
314
컨텐츠 실행 및 과금정보기록
316
아니오
컨텐츠 사용종료?
예
318
과금정보저장 및 컨텐츠실행 종료
과금회수 대행사로 회원정보 및 과금정보 전송
320
종 료

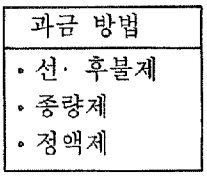
도면 4


S28
402
400
S21
S22
S23
S13
S12
S11
S19
110
106
S18,S27
30
S14
S15
S11,S121
S24
404
회원정보 DB
112
40
108
S16
S17
과금정보 DB
랭킹 DB
114
S25
116
S25
50
406

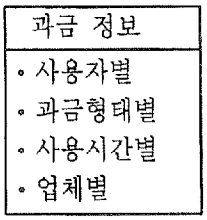
도면 5a



도면 5b



도면 5c



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KOREAN PATENT ABSTRACTS

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(51)Int. Cl G06F 17/60

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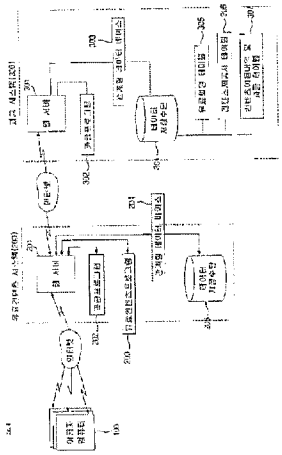
SCIHOMENET INC.

(72)Inventor: LEE, CHANG DAE

(54) METHOD FOR CHARGING TO CHARGED CONTENTS THROUGH INTERNET

(57) Abstract:



PURPOSE: A method for charging to charged contents through the internet is provided to enable a user to utilize variable charged contents by rendering the user to select a convenience charging method for paying the cost after contents is provided to the user through the internet. CONSTITUTION: A user connects to a Web server(201) of a charged contents system(200) through the internet network based on TCP/IP and a LAN or a modem. The Web server(201) provides a charged contents through a relational database(204) by a data storing unit(205) by a charged contents program(203) inserted in the Web server(201). A manager of the charged contents system(200) connects to a Web server(301) of the charging system(300) through the internet based on TCP/IP and receives a charging program(202) from a Web site of the charging system(300), and pays a cost with respect to the contents used by the user by the charging system(300). All sorts of information data transmitted through the internet by inputting in a Web site screen of the charged contents system (200) through a Web browser of a user computer(100) are passed a Web server(201) of the charged contents system(200) and are passed the Web server(301) of the charging system(300) and a relational database(303) and are stored in a data storing unit(304) through the internet network. The data storing unit (304) comprises a charged member table(305) for storing information data of users, a charged contents system table(306) storing information data of a charged contents system and a using details of the contents and a charging table(307) for storing the details of users and information data with respect to the charging.

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Notification date of refusal decision (00000000)

Final disposal of an application (rejection)
Date of final disposal of an application (20031125)
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Date of registration (00000000)
Number of opposition against the grant of a patent ( )
Date of opposition against the grant of a patent (00000000)
Number of trial against decision to refuse ( )
Date of requesting trial against decision to refuse ( )

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(22) 출원일자	2001년02월16일		
(71) 출원인	주식회사 싸이홈넷, 이창대 대한민국 143-912 서울특별시 광진구 중곡1동 614-3 이창대 대한민국 143-904 서울특별시 광진구 중곡1동 255 의35		
(72) 발명자	이창대 대한민국 143-904 서울특별시 광진구 중곡1동 255 의35		
(74) 대리인	조성욱 최홍순 김경철		
(77) 심사청구	있음		
(54) 출원명	인터넷을 통한 유료컨텐츠 과금방법		

요약

본 발명은 인터넷을 통한 유료컨텐츠에 따른 과금방법에 관한 것으로, 보다 상세하게는 인터넷을 통하여 이용자에게 유료컨텐츠를 제공함에 따른 이용요금 부과(이하 "과금"이라 함)를 하는 방법에 있어서, 이용자로 하여금 제공되는 컨텐츠에 따라 요금지불방식을 선택할 수 있게 한다.

대표도

도1

색인어

인터넷 유료컨텐츠, 과금방법

명세서

도면의 간단한 설명

도 1은 본 발명의 바람직한 일 실시 예에 따른 인터넷을 통한 유료컨텐츠 과금시스템의 개략적인 구성도.

도 2는 본 발명의 바람직한 일 실시 예에 따른 인터넷을 통한 유료컨텐츠 과금방법의 정보데이터 흐름도.

도 3은 본 발명의 바람직한 일 실시 예에 따른 인터넷을 통한 유료컨텐츠 과금방법의 개략적인 흐름도.

도 4a는 본 발명의 바람직한 일 실시 예에 따른 인터넷을 통한 유료컨텐츠 과금방법에서 이용요금설정화면의 예시도.

도 4b는 본 발명의 바람직한 일 실시 예에 따른 인터넷을 통한 유료컨텐츠 과금방법에서 이용자의 이용요금지불방식선택화면의 예시도.

발명의 상세한 설명

발명의 목적

발명이 속하는 기술 및 그 분야의 종래기술

본 발명은 인터넷을 통한 유료컨텐츠에 따른 과금방법에 관한 것으로, 보다 상세하게는 인터넷을 통하여 이용자에게 유료컨텐츠를 제공함에 따른 이용요금 부과(이하 "과금"이라 함)를 하는 방법에 있어서, 공급자는 컨텐츠를 합리적으로 분류하고 이용자는 분류된 컨텐츠 상품에 대해서 최대의 이용 효과를 얻을 수 있도록 그 과금시스템을 구축함으로써 경제적이고 합리적인 컨텐츠 시스템을 활용하도록 하는 것이다.

최근 많은 인터넷 컨텐츠 제공자들은 이용자에게 인터넷컨텐츠를 주로 무료로 제공하고 대신에 보다 많은 회원 수를 확보함으로써 이용자에게 배너광고를 제공하고 배너광고의 광고주에게서 받은 배너광고비를 주 수입원으로 하여 왔다. 그리고 이러한 배너광고에 의한 수입확보를 위해 많은 투자를 하여, 다양하고 질이 좋은 컨텐츠를 제공하고 있음에도 불구하고 배너광고비에 의한 수입에는 한계가 있어왔다. 따라서 유료컨텐츠 시스템들은 컨텐츠 유료화를 추진하고 있으나 이러한 컨텐츠 유료화는 주로 정액제로서 일정액의 월 회비를 내는 회원에게 정보를 제공하는 방식으로 컨텐츠의 이용량에 상관없이 일정액을 부가하기 때문에 상대적으로 이용량이 적은 네티즌들은 유료사이트 이용을 꺼려하는 문제점이 있었다. 한편 인터넷 콘텐츠 이용요금 지불방식에는 위에서 언급한 일정한 기간동안에 사용한 유료사이트의 모든 컨텐츠에 대하여 일정한 요금을 과금하는 정액제, 일정한 금액을 과금하고 유료사이트의 모든 컨텐츠에 대하여 일정한 시간동안만 사용할 수 있게 하는 시간제, 유료사이트의 컨텐츠를 이용하기 위하여 마우스를 클릭할 때 마우스의 클릭 수에 따라 요금을 과금하는 도수제, 정보량에 따라 과금하는 종량제가 있으며, 위에서 언급한 이러한 요금 지불방식은 이용한 각 콘텐츠에 대하여 과금방식을 이용자가 선택하는 것이 아니라 유료컨텐츠시스템이 일방적으로 규정하여 과금함으로써 이용요금지불 방식에 대하여 이용자의 선택권을 제한하는 문제점이 있었다. 즉 컨텐츠의 제품별, 특성별에 따른 과금성격이 다를 경우를 수용하지 않았고 이로 말미암아 이용자는 불필요한 컨텐츠에 대한 요금을 지불하고 합리적이 아니라는 거부적인 생각을 갖게 되어 막연한 불만으로 인터넷 이용을 꺼리는 요인이 되기도 하였다. 어떤 이용자는 컨텐츠를 정독하여 그 깊이를 음미하거나 학습하기를 원하는 경우가 있고 어떤 이용자는 즐거리만 알고 지나치고 싶을 것이다. 이러한 불합리한 과금방법을 제거하고 합리적인 과금체계를 구축함으로써 인터넷 이용의 긍정화를 기할 필요가 있는 실정이다.

발명이 이루고자 하는 기술적 과제

본 발명은 상기한 문제점을 해결하기 위하여 제안된 것으로, 인터넷을 통하여 컨텐츠를 제공한 후 이용요금을 부과 할 때 이용자로 하여금 효과적이고 합리적인 이용요금지불 방식을 선택할 수 있게 하는데 그 목적이 있다.

발명의 구성 및 작용

본 발명의 상기한 바와 같은 목적을 달성하기 위하여, 바람직한 실시예의 일 측면에 따른 본 발명은, 웹브라우저를 구비한 이용자컴퓨터와, 이용자컴퓨터에 인터넷을 통하여 연결되며 과금프로그램을 탑재하고 데이터저장수단에 접근하여 이용자에게 필요한 정보를 제공할 수 있게 하는 웹서버를 포함한 유료컨텐츠시스템과, 유료컨텐츠시스템에 인터넷을 통하여 연결되며 이용자의 과금정보 및 유료컨텐츠시스템정보를 저장하기 위한 데이터저장수단에 연결되고 과금프로그램을 탑재한 웹서버를 포함한 과금시스템을 이용하는 과금방법으로서, 유료컨텐츠시스템이 과금시스템에 회원가입하고 과금시스템으로부터 과금프로그램을 전송하는 단계; 유료컨텐츠시스템은 전송받은 과금프로그램에 따라 한 개이상의 컨텐츠 및 한 개이상의 과금방식을 조합한 각각에 대하여 이용요금을 설정한 후 입력하고, 입력된 정보데이터는 유료컨텐츠시스템의 데이터저장수단에 저장하는 단계; 이용자가 유료컨텐츠시스템에 유료회원등록하고, 유료회원등록창에서 이용자가 등록한 정보데이터는 유료컨텐츠시스템 및 과금시스템에 전송되어 등록/저장되고, 이용자가 과금시스템에 일정금액을 예치하는 단계; 이용자가 유료컨텐츠시스템의 유료사이트에 로그인 접속하면, 유료컨텐츠시스템은 과금시스템에게서 인증조회하는 단계; 인증조회에 따라 이용자가 유료사이트를 이용할 수 있는 회원이면 유료컨텐츠시스템의 과금프로그램에 따라 이용자에게 컨텐츠별로 과금방식을 선택할 수 있는 선택창이 제공되고, 이용자는 선택창에서 컨텐츠별로 과금방식을 선택, 입력하여 상기 유료컨텐츠시스템에게 전송하는 단계; 유료컨텐츠시스템은 수신된 컨텐츠별 과금방식에 따른 요금을 산정하고, 상기 산정된 요금과 상기 과금시스템으로부터 전송받은 이용자의 이용잔액을 비교하여 상기 이용자에 대한 상기 유료사이트컨텐츠 이용가능 여부를 판단하는 단계; 비교판단 결과, 이용자가 이용가능한 자로 판단될 경우에 이용자에게 제공할 유료컨텐츠를 이용자가 선택한 과금방식에 따라 변환하여 제공하는 단계; 제공된 유료컨텐츠사이트로 이용자가 유료컨텐츠에 응답하고, 응답된 답변데이터는 상기 유료컨텐츠시스템에 전송되는 단계; 유료컨텐츠시스템은 이용자가 이용한 컨텐츠별 과금방식에 따라 이용요금을 산정하는 단계; 유료컨텐츠시스템은 산정된 이용요금을 과금시스템에 전송하고, 과금시스템은 수신된 이용요금을 과금시스템의 데이터저장수단에 저장되어 있는 현재의 적립금잔액에서 감한 후 그 값을 현재의 적립금잔액으로 갱신, 저장하는 단계를 포함하는 것을 특징으로 하는 인터넷을 통한 유료컨텐츠에 따른 과금방법을 제공한다.

또한 이용자에게 제공되는 컨텐츠별로 과금방식을 선택할 수 있는 선택창은 각각의 컨텐츠별로 도수제, 시간제, 정액제, 종량제 등과 같은 과금방식을 각각 선택할 수 있는 선택수단으로 구성된 것을 특징으로 한다.

이하, 첨부한 도면을 참조하여 본 발명의 바람직한 실시 예를 상세히 설명하기로 한다.

도 1은 본 발명의 바람직한 일 실시 예에 따른 인터넷을 통한 유료컨텐츠 과금시스템의 개략적인 구성도이다.

도 1을 참조하면, 인터넷을 통하여 유료컨텐츠 등의 컨텐츠를 이용하는 이용자는 자신의 컴퓨터(100)에 웹브라우저를 구비하여 TCP/IP(Transmission Control Protocol/Internet protocol)기반 인터넷망을 통하여 물리적으로는 LAN(Local Area Network)라인 또는 모뎀을 사용하는 전화라인을 통하여 유료컨텐츠시스템(200)의 웹서버(201)에 인터넷 접속을 하고, 유료컨텐츠시스템(200)의 웹서버(201)는 인터넷 연결이 요청되면 웹서버(201)에 탑재된 유료컨텐츠프로그램(203)에 의해 데이터저장수단(205)으로부터 관계형데이터베이스(204)를 통해 유료컨텐츠와 같은 컨텐츠를 제공하며, 유료컨텐츠시스템(200)의 운영자는 TCP/IP(Transmission Control Protocol/Internet protocol)기반 인터넷망을 통하여 물리적으로는 LAN(Local Area Network)라인 또는 모뎀을 사용하는 전화라인을 통하여 과금시스템(300)의 웹서버(301)에 인터넷 접속하여 과금시스템(300)의 웹사이트로부터 과금프로그램(202)을 전송받아 웹서버(201)에 탑재하고 과금프로그램(202)에 의하여 이용자컴퓨터(100)가 이용한 유료컨텐츠의 콘텐츠에 대한 이용요금을 부과하며, 한편 상기 이용자컴퓨터(100)의 웹브라우저를 통하여 유료컨텐츠시스템(200)의 웹사이트화면에 입력하여 인터넷망을 통해 전송된 각종 정보데이터는 유료컨텐츠시스템(200)의 웹서버(201)를 경유하여 인터넷망을 통해 과금시스템(300)의 웹서버(301)를 거쳐 관계형데이터베이스(303)를 통해 데이터저장수단(304)에 실시간으로 저장되며, 데이터저장수단(304)에는 이용자들의 정보데이터를 저장하기 위한 유료회원테이블(305), 유료컨텐츠시스템들의 정보데이터를 저장하기 위한 유료컨텐츠시스템테이블(306), 이용자의 컨텐츠이용내역 및 과금에 대한 정보데이터를 저장하기 위한 컨텐츠이용내역 및 과금테이블(307)이 포함된다.

도 2는 본 발명의 바람직한 일 실시 예에 따른 인터넷을 통한 유료컨텐츠 과금방법의 정보데이터 흐름도이고, 도 3는 본 발명의 바람직한 일 실시 예에 따른 인터넷을 통한 유료컨텐츠 과금방법의 개략적인 흐름도이다.

상기 도 2와 도 3을 설명함에 있어, 중복되는 부분이 존재하므로 도 2와 도 3을 병행하여 설명하기로 한다.

도 2내지 도 3을 참조하면, 본 발명의 인터넷을 통한 유료컨텐츠 등의 컨텐츠이용에 대한 과금체계는 웹브라우저를 구비한 이용자컴퓨터(100), 유료컨텐츠프로그램(203) 및 과금프로그램(202)을 탑재한 웹서버(201)와 데이터저장수단(205)을 포함한 유료컨텐츠시스템(200), 과금프로그램(302)을 탑재한 웹서버(301)와 유료회원테이블(305), 유료컨텐츠시스템테이블(306), 컨텐츠이용내역 및 과금테이블(307)을 갖는 데이터저장수단(304)을 포함한 과금시스템(300)으로 구성된다.

우선, 유료컨텐츠시스템(200)의 운영자는 자신의 유료사이트 이용에 대한 이용요금을 부과하기 위하여 지불게이트웨이(Payment Gateway)를 포함한 지불시스템을 통하여 은행 등의 금융기관과 연결된(도면에는 나타나지 않았음) 과금시스템(300)의 웹사이트에 접속하여 과금시스템(300)에서 제공되는 회원가입등록창을 통해서 회원가입신청을 위한 정보데이터를 입력하고(S11, S101), 입력된 유료컨텐츠시스템회원가입신청 정보데이터는 과금시스템(300)의 웹서버(301)를 통해 관계형데이터베이스(303)를 거쳐 데이터저장수단(304)의 유료컨텐츠시스템테이블(306)에 실시간으로 저장되어 등록되고(S12), 회원으로 등록된 유료컨텐츠시스템(200)은 과금시스템(300)으로부터 과금프로그램을 전송받아(S13), 웹서버(201)에 탑재설치하고(S14, S101), 유료컨텐츠시스템(200)의 운영자는 도4a에서 예시되는 바와 같이 과금프로그램에서 제공되는 유료컨텐츠시스템의 이용요금설정화면에서 각각의 컨텐츠별로 도수제, 시간제, 정액제, 종량제 등으로 구분하여 각각의 이용요금을 설정 입력하고(S15, S102), 입력된 정보데이터는 유료컨텐츠시스템(200)의 데이터저장수단(205)에 저장된다(S16). 한편 이용자컴퓨터(100)의 이용자가 유료컨텐츠시스템(200)의 웹사이트에 접속하면(S17), 이용자컴퓨터(100)의 웹브라우저상에 회원등록창이 포함된 웹페이지가 제공되고(S18), 제공된 회원등록창을 통해 유료사이트의 회원등록신청 정보데이터를 입력하여(S19), 유료컨텐츠시스템(200)에 전송하면(S20), 유료컨텐츠시스템(200)의 웹서버(201)는 전송된 회원등록신청 정보데이터를 수신하여(S21), 과금시스템(300)의 웹서버(301)에 전송하고(S22), 과금시스템(300)의 웹서버(301)는 수신된 회원등록신청 정보데이터를 관계형데이터베이스(300)를 통해 데이터저장수단(304)의 유료회원테이블(305)에 실시간으로 저장하여 등록한다(S23, S103). 한편 유료사이트의 회원으로 등록된 이용자는 회원등록신청 정보데이터 입력단계(S19단계)에서 체크한 예치금 입금 금융기관에 온라인 또는 오프라인으로 예치금을 입금하면(S24, S103), 도면에는 예시되지 않은 지불게이트웨이(Payment Gateway)를 통하여 은행 등의 금융기관과 연결된 과금시스템(300)에 입금정보데이터가 전송되며(S25), 과금시스템(300)은 입금된 예치금을 관리한다(S26). 한편 유료컨텐츠의 유료컨텐츠를 이용하고자 하는 이용자가 유료컨텐츠의 유료사이트에 접속하면(S27), 이용자의 식별자 (ID) 및 비밀번호(PW)를 요구하는 로그인창이 제공되고(S28), 이용자가 식별자 (ID) 및 비밀번호(PW)를 입력하여 로그인하면(S29, S104), 입력된 ID 및 PW의 로그인 정보는 유료컨텐츠시스템(200)의 웹서버(201)를 경유하여 과금시스템(300)의 웹서버(301)로 전송되고(S30), 과금시스템(300)의 웹서버(301)는 관계형데이터베이스(304)를 통해서 수신된 ID 및 PW의 로그인 정보와 데이터저장수단(304)내의 유료회원테이블(305) 및 컨텐츠이용내역 및 과금테이블(307)의 데이터정보와 비교하여 이용자에 대한 이용가능을 조회하고(S31, S104), 이 인증 결과 및 이용자의 이용잔액을 유료컨텐츠시스템(200)의 웹서버(201)로 응답전송하고(S32), 유료컨텐츠시스템(200)은 인증결과 및 이용자의 이용잔액을 분석하여(S33) 이용자의 이용잔액이 남아 있으면 이용자컴퓨터(100)에 이용요금지불방식선택화면을 제공하고(S34), 이용자는 도4b에서 예시되는 바와 같이 컨텐츠별로 과금방식을 선택한 후 입력하여(S35, S105), 유료컨텐츠시스템(200)에 전송하면(S36), 유료컨텐츠시스템(200)은 수신된 컨텐츠별 과금방식에 따라 이용요금을 계산한 후 이 금액과 과금시스템(300)으로부터 전송받은 이용잔액과 비교하여(S37, S106) 이용잔액이 적으면 이용자에게 이용요금이 초과했으니 다시 선택을 하라는 화면을 제공하여(S38) 이용자가 S35단계의 도4b에서 예시되는 바와 같이 컨텐츠별로 과금방식을 다시 선택하여 입력하면 그 이후의 단계를 계속하여 진행하게 되며, S37단계에서 이용잔액이 많으면 유료컨텐츠시스템(200)은 이용자에게 제공되는 유료컨텐츠를 과금방식에 따라 변환하고(S39), 이 변환된 컨텐츠를 이용자컴퓨터(100)에 제공하며(S40, S107)(만일 과금방식이 시간제일 경우에는 시간스크립트도 함께 제공하게 된다), 이용자는 제공된 유료컨텐츠에 따라 유료컨텐츠를 실시하고(S41, S108)(만일 과금방식이 시간제일 경우에는 함께 제공된 시간스크립트에 따라 이용시간을 측정한다), 이 유료컨텐츠이용에 따른 이용자의 유료컨텐츠이용 데이터(만일 과금방식이 시간제일 경우에는 이용시간데이터도 포함한다)가 유료컨텐츠시스템(200)의 웹서버(201)에 전송되고(S42), 유료컨텐츠시스템(200)은 웹서버(201)에 탑재된 과금프로그램(202)에 의하여 상기 이용요금설정단계(S15)에서 이용요금설정화면을 통해 설정, 입력하여 유료컨텐츠시스템(200)의 데이터저장수단(205)에 저장되어 있는 각각의 컨텐츠별로 구분된 과금방식별(즉, 도수제, 시간제, 정액제, 종량제 등) 이용요금설정금액에 따라 이용자의 요금을 산정하며(S43, S109)(예를 들어, 이용자가 이용한 컨텐츠A가 도수제이고 1회 클릭당 요금이 10원이고 20회 클릭했으며, 컨텐츠B가 시간제이고 1시간당 요금이 1000원이고 10시간 동안 이용했다면 이용자의 이용요금은 1회 클릭당 요금 10원??20회 + 1시간당 요금 1000원??10시간=12000원으로 이용요금을 산정한다), 유료컨텐츠시스템(200)은 산정된 이용자의 이용요금을 이용자내역과 함께 과금시스템(300)에 전송하고(S44), 과금시스템(300)은 데이터저장수단(304)의 컨텐츠이용내역 및 과금테이블(307)에 저장되어 있는 이용자의 현재 남아있는 적립금잔액에서 이용자의 이용요금을 감하여 그 금액을 현재의 적립금잔액으로 갱신하여 저장한다(S45, S110).

발명의 효과

상술한 바와 같이 본 발명에 따른 인터넷을 통한 유료컨텐츠에 따른 과금방법에 의하여, 인터넷을 통하여 이용요금을 부과할 때 이용자로 하여금 각각의 컨텐츠별로 이용요금지불방식을 선택할 수 있게 하여 이용자는 자신이 원하는 방식 즉, 다양한 이용요금지불환경으로 유료컨텐츠를 이용함으로써, 이용자에게 사용의 선택을 자유롭게 하여 더욱더 많은 유료 컨텐츠를 활용 할 수 있는 기회를 제공하는 효과가 있다.

(57) 청구의 범위

청구항 1.

웹브라우저를 구비한 이용자컴퓨터와, 상기 이용자컴퓨터에 인터넷을 통하여 연결되며 과금프로그램을 탑재하고 데이터저장수단에 접근하여 상기 이용자에게 필요한 정보를 제공할 수 있게 하는 웹서버를 포함한 유료컨텐츠시스템과, 상기 유료컨텐츠시스템에 인터넷을 통하여 연결되며 상기 이용자의 과금정보 및 유료컨텐츠시스템정보를 저장하기 위한 데이터저장수단에 연결되고 과금프로그램을 탑재한 웹서버를 포함한 과금시스템을 이용하는 과금방법으로서,

상기 유료컨텐츠시스템이 상기 과금시스템에 회원가입하고 상기 과금시스템으로부터 과금프로그램을 전송하는 단계;

상기 유료컨텐츠시스템은 상기 전송받은 과금프로그램에 따라 한 개이상의 컨텐츠 및 한 개이상의 과금방식을 조합한 각각에 대하여 이용요금을 설정한 후 입력하고, 상기 입력된 정보데이터는 유료컨텐츠시스템의 데이터저장수단에 저장하는 단계;

상기 이용자가 상기 유료컨텐츠시스템에 유료회원등록하고, 상기 유료회원등록창에서 이용자가 등록한 정보데이터는 상기 유료컨텐츠시스템 및 과금시스템에 전송되어 등록/저장되고, 상기 이용자가 과금시스템에 일정금액을 예치하는 단계;

상기 이용자가 상기 유료컨텐츠시스템의 유료사이트에 로그인 접속하면, 상기 유료컨텐츠시스템은 상기 과금시스템에게서 인증조회하는 단계;

상기 인증조회에 따라 상기 이용자가 유료사이트를 이용할 수 있는 회원이면 상기 유료컨텐츠시스템의 과금프로그램에 따라 상기 이용자에게 컨텐츠별로 과금방식을 선택할 수 있는 선택창이 제공되고, 상기 이용자는 상기 선택창에서 컨텐츠별로 과금방식을 선택, 입력하여 상기 유료컨텐츠시스템에게 전송하는 단계;

상기 유료컨텐츠시스템은 수신된 컨텐츠별 과금방식에 따른 요금을 산정하고, 상기 산정된 요금과 상기 과금시스템으로부터 전송받은 이용자의 이용잔액을 비교하여 상기 이용자에 대한 상기 유료사이트컨텐츠 이용가능 여부를 판단하는 단계;

상기 비교판단 결과, 상기 이용자가 이용가능한 자로 판단될 경우에 상기 이용자에게 제공할 유료컨텐츠를 상기 이용자가 선택한 과금방식에 따라 변환하여 제공하는 단계;

상기 제공된 유료컨텐츠사이트로 이용자가 유료컨텐츠에 응답하고, 상기 응답된 답변데이터는 상기 유료컨텐츠시스템에 전송되는 단계;

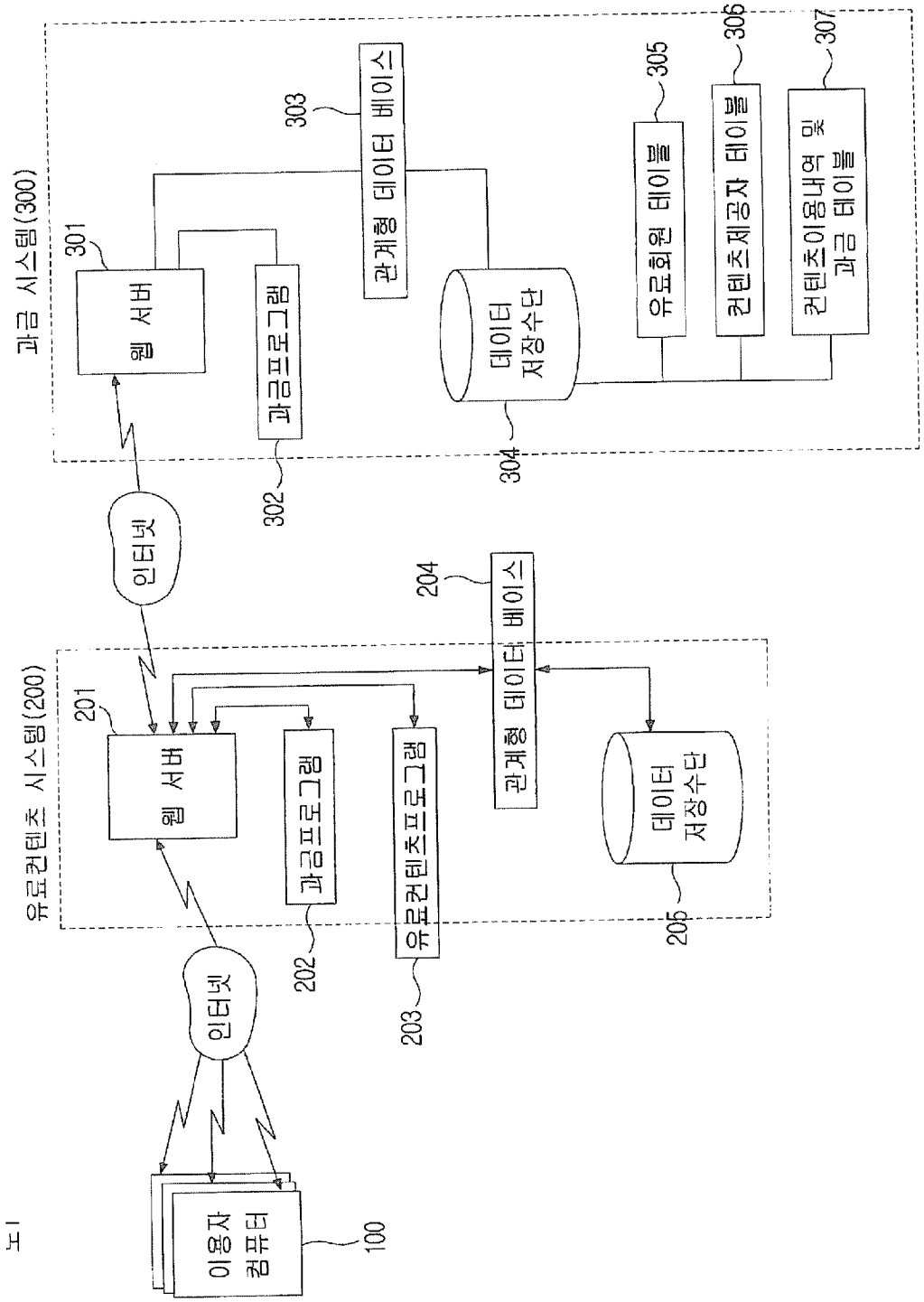
상기 유료컨텐츠시스템은 상기 이용자가 이용한 컨텐츠별 과금방식에 따라 이용요금을 산정하는 단계;

상기 유료컨텐츠시스템은 상기 산정된 이용요금을 상기 과금시스템에 전송하고, 상기 과금시스템은 상기 수신된 이용요금을 과금시스템의 상기 데이터저장수단에 저장되어 있는 현재의 적립금잔액에서 감한 후 그 값을 현재의 적립금잔액으로 갱신, 저장하는 단계를 포함하는 것을 특징으로 하는 인터넷을 통한 유료컨텐츠 과금방법.

청구항 2.
제 1항에 있어서, 상기 이용자에게 제공되는 컨텐츠별로 과금방식을 선택할 수 있는 선택창은 각각의 컨텐츠별로 도수제, 시간제, 정액제, 증량제 등과 같은 과금방식을 각각 선택할 수 있는 선택수단으로 구성된 것을 특징으로 하는 인터넷을 통한 유료컨텐츠 과금방법.

도면

도면 1


과금 시스템(300)
웹 서버
301
과금프로그램
302
관계형 데이터 베이스
303
데이터 저장수단
304
유료회원 테이블
305
컨텐츠제공자 테이블
306
컨텐츠이용내역 및 과금 테이블
307
인터넷
유료컨텐츠 시스템(200)
웹 서버
201
과금프로그램
202
유료컨텐츠프로그램
203
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204
데이터 저장수단
205
인터넷
이용자 컴퓨터
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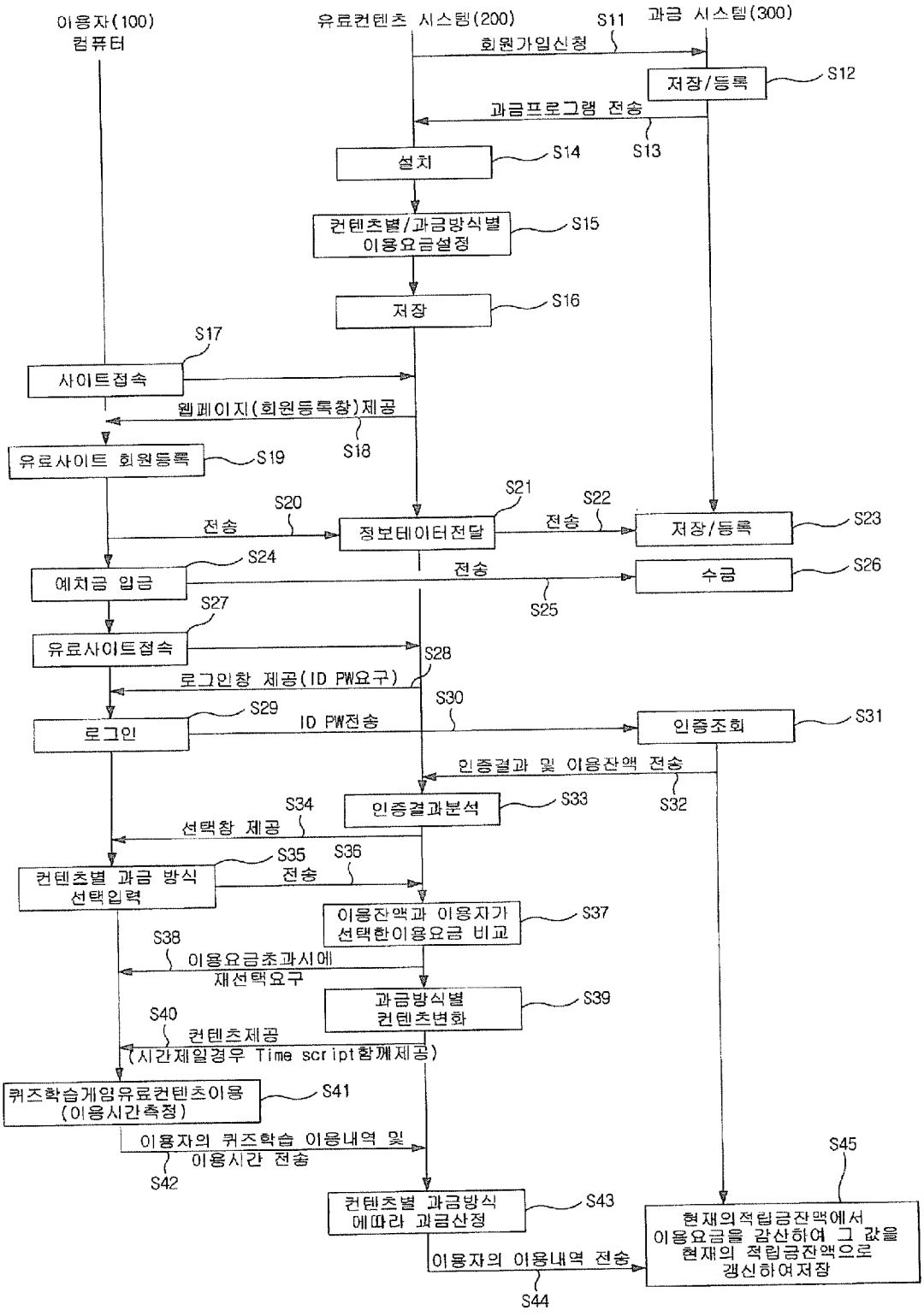
노드

도면 2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컴퓨터
유료컨텐츠 시스템(200)
과금 시스템(300)
S11
회원가입신청
저장/등록
S12
과금프로그램 전송
S13
설치
S14
컨텐츠별/과금방식별
이용요금설정
S15
저장
S16
S17
사이트접속
웹페이지(회원등록창)제공
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로그인창 제공(ID PW요구)
S29
로그인
S30
ID PW전송
인증조회
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인증결과 및 이용잔액 전송
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S34
인증결과분석
S33
선택창 제공
S35
S36
컨텐츠별 과금 방식
선택입력
전송
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갱신하여저장
이용자의 이용내역 전송
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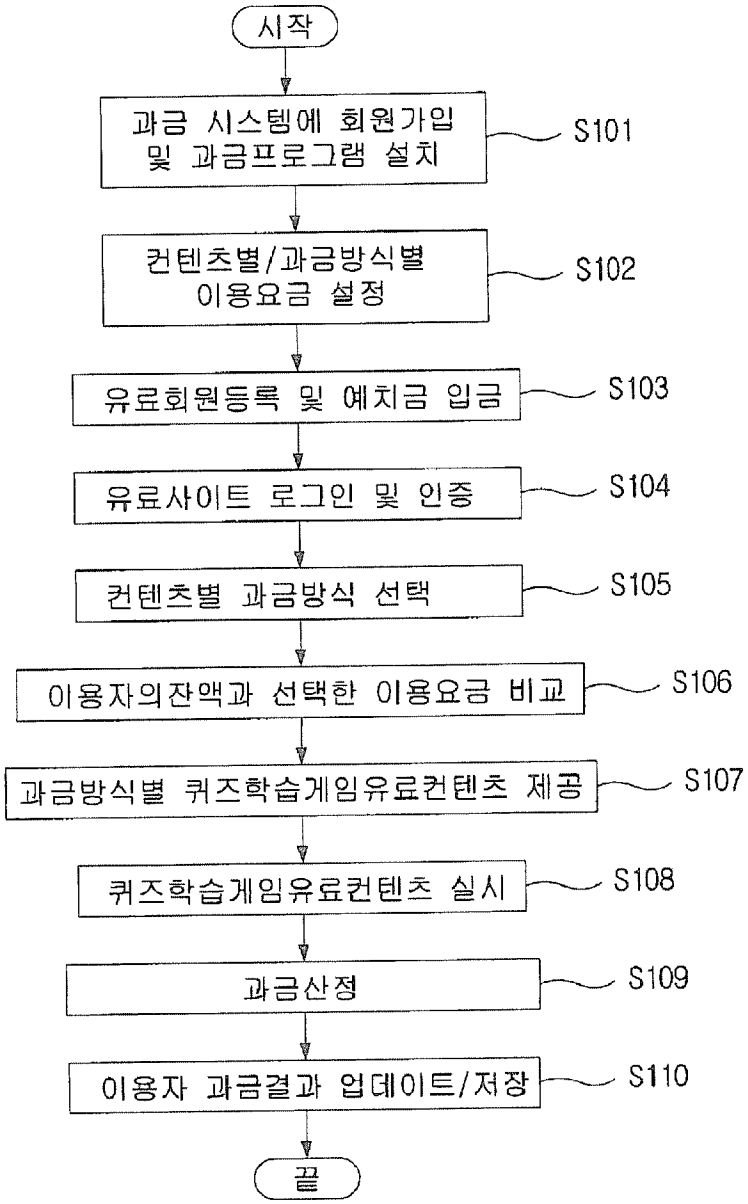
도면 3



도면 4a

과금방식 / 컨텐츠	도수제	시간제	정액제	종량제
A	a 원/클릭	b 원/초	c 원/월	d 원/KByte
B	a' 원/클릭	b' 원/초	c' 원/월	d' 원/KByte
C	a'' 원/클릭	b'' 원/초	c'' 원/월	d'' 원/KByte
D	a''' 원/클릭	b''' 원/초	c''' 원/월	d''' 원/KByte
E	a'''' 원/클릭	b'''' 원/초	c'''' 원/월	d'''' 원/KByte

도면 4b

과금방식 / 컨텐츠	도수제	시간제	정액제	종량제
A	V			
B		V		
C		V		
D			V	
E				V

12 OCT 2007

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

WRB-IP LLP
1217 KING STREET
ALEXANDRIA VA 22314

In re Application of	:	
LINDGARDE	:	
Application No.: 11/570,349	:	DECISION ON
PCT No.: PCT/EP2005/004165	:	
Int. Filing Date: 19 April 2005	:	PETITION UNDER
Priority Date: 19 April 2004	:	
Attorney Docket No.: 000009-071	:	37 CFR 1.137(b)
For: METHOD AND SYSTEM FOR CONTROLLING	:	
A FREE-PISTON ENERGY CONVERTER	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed 11 December 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 19 April 2005, applicant filed international application PCT/EP2005/004165 which designated the U.S. and claimed a priority date of 19 April 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 27 October 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 October 2006.

On 11 December 2006, applicant filed a transmittal letter for entry into the national stage in the United States. The submission was accompanied by, inter alia, the Basic National Fee, a declaration of the inventor, 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 11 December 2006.

As to item (2), applicant submitted the petition fee on 11 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.

The declaration of the inventor submitted 11 December 2006 is in compliance with 37 CFR 1.497(a)-(b).

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 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

0 6 JUN 2007

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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MARSH, FISCHMANN & BREYFOGLE LLP
3151 SOUTH VAUGHN WAY
SUITE 411
AURORA, CO 80014

In re Application of	:	
TANAKA, Kazuo	:	
Application No.: 11/570,410	:	DECISION ON
PCT No.: PCT/JP2005/010641	:	
Int. Filing Date: 10 June 2005	:	PETITION
Priority Date: 11 June 2004	:	
Attorney Docket No.: 50068-00002	:	UNDER 37 CFR 1.182
For: OPTICAL WAVEGUIDE	:	

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 15 February 2007.

BACKGROUND

On 11 December 2006, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The papers listed international application no. PCT/JP2005/010641, but the data entered indicated international application no. PCT/US2005/010641.

On 15 February 2007, applicants submitted a petition under 37 CFR 1.182 to correct the national stage information in the above application to indicate it is a 371 filing of PCT/JP2005/010641.

DISCUSSION

Applicants have explained that the paperwork was intended as a national stage entry of PCT/JP2005/010641. The indications will be corrected in the file and the file will be processed as a national stage entry of PCT/JP2005/010641.

CONCLUSION

For the reasons listed above, the Petition Under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 11 December 2006.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

COPY MAILED

JAN 04 2010

In re Application of	:	
Yuwen Song	:	
Application No. 11/570,415	:	DECISION ON PETITION
Filed: October 17, 2008	:	TO WITHDRAW
Attorney Docket No. 18224US01	:	FROM RECORD
	:	

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 13, 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 the acts noted in the above-identified certifications have been performed. Refer to Form No. PTO/SB/83 (Updated 4/2008).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
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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MCANDREWS HELD & MALLOY, LTD
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SUITE 3400
CHICAGO IL 60661

MAILED

APR 12 2010

OFFICE OF PETITIONS

In re Application of :
Yuwen Song :
Application No. 11/570,415 : DECISION ON PETITION
Filed: October 17, 2008 : TO WITHDRAW
Attorney Docket No. 18224US01 : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed February 24, 2010.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that George Wheeler does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4618

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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01 MAY 2008

GRANT ANDERSON LLP
C/O PORTFOLIOIP
PO BOX 52050
MINNEAPOLIS MN 55402

In re Application of :
ROTH, et al. :
Application No.: 11/570,427 :
PCT No.: PCT/US04/16942 : DECISION ON PETITION
Int. Filing Date: 27 May 2004 :
Priority Date: 27 May 2004 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: SEQ-4066-US :
For: METHODS FOR IDENTIFYING RISK OF :
BREAST CANCER AND TREATMENT :
THEREOF :

The petition to revive under 37 CFR 1.137(b) filed 11 December 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" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. 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 (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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CANTOR COLBURN, LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD, CT 06103

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FEB 12 2010

In re Application of :
Bob Horacek, et al. :
Application No.: 11/570,452 : ON PETITION
Filed: December 12, 2006 :
Attorney Docket No.: BGG-0006US :

This is a decision on the petition, filed February 5, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 18, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1791 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/570,471	12/12/2006	Yoshiaki Takagi	41652	1271

7590 10/09/2009

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER	
CHIN, VIVIAN C	
ART UNIT	**PAPER NUMBER**
2614	
NOTIFICATION DATE	**DELIVERY MODE**
10/09/2009	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.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

05 JUN 2009

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

In re Application of:
PATEL, Jayantilal, et al.
U.S. Application No.: 11/570,481
PCT No: PCT/US2005/011045
International Filing Date: 01 April 2005
Priority Date Claimed: 15 June 2004
Atty Docket No.: H1820-00037
For: PHASE RESPONSIVE OPTICAL FIBER SENSOR

DECISION ON PETITION
(37 CFR 1.78(a)(3))

This is a decision on the "Petition For Entry Of Unintentionally Delayed Claim For Priority Of U.S. Application" filed 03 February 2009, treated herein under 37 CFR 1.78(a)(3). The petition seeks acceptance of an unintentionally delayed benefit claim under 35 U.S.C. 120 and 365(c). Applicants have paid the required petition fee.

The petition is **DISMISSED** without prejudice.

A petition 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).

The present non-provisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore this is a proper petition under 37 CFR 1.78(a)(3).

A petition under 37 CFR 1.78(a)(3) must include the following:

(1) the reference to the prior-filed non-provisional application required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i), unless previously submitted;
(2) the surcharge set forth in 37 CFR 1.17(t);
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

The present petition fails to satisfy item (1).

The proposed amendment to the specification filed with the present petition contains the required reference to the prior-filed non-provisional application; however, the amendment was not

submitted in an acceptable form. Specifically, 37 CFR 1.121(h) requires that "[e]ach section of an amendment document (e.g., amendment to the claims, amendment to the specification, replacement drawings, and remarks) must begin on a separate sheet." The section of the present amendment document containing the proposed amendment to the specification does not begin on a separate sheet. Accordingly, the proposed amendment is not in compliance with 37 CFR 1.121(h) and cannot be accepted in its present form.

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 in compliance with 37 CFR 1.121 (or Application Data Sheet containing an acceptable reference to the prior-filed non-provisional application) must be submitted.

No additional petition fee is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PCT Legal Administration
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop PCT Legal Administration
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of PCT Legal Administration

Any questions concerning this matter may be directed to Richard M. Ross at (571) 272-3296.

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

29 JUL 2009

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DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

In re Application of:	:	
PATEL, Jayantilal, et al.	:	DECISION ON RENEWED
U.S. Application No.: 11/570,481	:	PETITION
PCT No: PCT/US2005/011045	:	(37 CFR 1.78(a)(3))
International Filing Date: 01 April 2005	:	
Priority Date Claimed: 15 June 2004	:	
Atty Docket No.: H1820-00037	:	
For: PHASE RESPONSIVE OPTICAL FIBER SENSOR	:	

In a decision mailed by this Office on 05 June 2009, applicants' "Petition For Entry Of Unintentionally Delayed Claim For Priority Of U.S. Application" was dismissed for failure to satisfy all the requirements of a grantable petition. Specifically, the amendment submitted with the petition was not in an acceptable format.

On 09 June 2009, applicants filed the "Renewed Petition For Entry Of Unintentionally Delayed Claim For Priority Of U.S. Application" considered herein. The renewed petition was accompanied by a "Substitute Preliminary Amendment" in the required format. The submission amends the first sentence of the application following the title to include a proper reference to the prior-filed U.S. application 10/911,326, filed 04 August 2004, now U.S. Patent 7,139,476. Applicants have therefore now satisfied all the requirements for a grantable petition.

Having found that the renewed petition, in combination with the original petition, satisfies all the conditions of 37 CFR 1.78(a)(3), the petition is appropriately **GRANTED**.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior filed 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 Filing Receipt accompanying this decision on petition will include the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, accompanies this decision on petition.

Any questions concerning this decision may be directed to Richard M. Ross at (571) 272-3296. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 2613 for appropriate consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. 120 to prior-filed non-provisional U.S. Application No. 10/911,326.

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

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BARNES & THORNBURG LLP
11 SOUTH MERIDIAN
INDIANAPOLIS IN 46204

MAILED

MAR 30 2009

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Wright :
Application No. 11/570,532 :
Filed: December 13, 2006 :
Attorney Docket No. 30636-201231 :
For: SOIL TREATMENT APPARATUS

This is a decision on the petition, filed March 3, 2009, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the August 8, 2008 non-final Office action. No timely response being received and no proper extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on November 9, 2008. The filing of the present petition precedes the mailing of A Notice of Abandonment.

Applicant has submitted an amendment in reply to the August 8, 2008 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the August 8, 2008 non-final Office action, and the $1,620.00 petition fee. All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

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 $1,110.00 extension of time submitted with the petition was submitted subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

After the mailing of this decision, the application will be returned to Technology Center AU 3671 for consideration of the amendment filed on March 3, 2009.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

0 1 OCT 2007

United States Patent and Trademark Office

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Caryn DeHoratius
Baldwins
Level 14
342 Lambton Quay
Wellington 6011
NEW ZEALAND

In re Application of	:	
Bird	:	
Application No.: 11/570,561	:	DECISION
PCT No.: PCT/NZ05/00141	:	
Int. Filing Date: 24 June 2005	:	ON
Priority Date: 24 June 2004	:	
Attorney Docket No.: JC 226957USPR	:	PETITION
For: Security For Computer Software	:	

This is a decision on applicants' "Request For Reconsideration Of Holding Of Abandonment" filed on 23 August 2007.

BACKGROUND

This international application was filed on 24 June 2005, claimed a priority date of 24 June 2004, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 05 January 2006. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 24 December 2006.

On 23 July 2007, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicant, indicating that this international application had become abandoned with respect to the national stage in the United States for failure to timely pay the basic national fee.

DISCUSSION

Petitioner argues that the basic national fee was paid via facsimile transmission "on 14 December 2006, New Zealand time (13 December 2006, US time)." Petitioner's attention is drawn to 37 CFR 1.8(a)(2)(i)(F), which provides as follows:

> (2) The procedure described in paragraph (a)(1) of this section does not apply to, and no benefit will be given to a Certificate of Mailing or Transmission on, the following:
>
> (i) *Relative to Patents and Patent Applications-*
>
> (F) The filing of a copy of the international application and the basic national fee necessary to enter the national stage, as specified in § 1.495(b).

Therefore, petitioner may not rely upon a certificate of transmission to establish that the basic national fee was timely filed.

Meanwhile, petitioner argues that a Notification of Missing Requirements should have been mailed in response to the basic national fee not having been timely filed. However, since the application became abandoned upon the elapse of 30 months from the priority date without the basic national fee being paid, no further time for response would have been available to avoid abandonment upon discovery of that fact.

Petitioner may wish to file a petition for revival pursuant to 37 CFR 1.137(b).

DECISION

The petition is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision (extendable under 37 CFR 1.136(a)).

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 correspondence to the attention of the Office of PCT Legal Administration.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Caryn DeHoratius
Baldwins
Level 14
342 Lambton Quay
Wellington 6011 NZ

26 NOV 2007

In re Application of	:	
Bird	:	
Application No.: 11/570,561	:	DECISION
PCT No.: PCT/NZ05/00141	:	
Int. Filing Date: 24 June 2005	:	ON
Earliest Priority Date: 24 June 2004	:	
Attorney Docket No.: JC 226957USPR	:	PETITION
For: Security For Computer Software	:	

The petition to revive under 37 CFR 1.137(b) filed on 05 November 2007 in the above-captioned application is hereby **DISMISSED**, without prejudice.

Petitioner states 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." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee. The petition includes authorization to charge the $770.00 petition fee to Deposit Account 02-0665. However, the individual signing the authorization does not appear to enjoy authority to do so, according to the records of the USPTO. Therefore, the $770.00 petition fee has not been charged to the Deposit Account (nor has the payable $65.00 surcharge under 37 CFR 1.492(h)). In the absence of the petition fee, it would not be appropriate to grant the petition at this time.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Mail Stop PCT, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

George Dombroske
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Office of PCT Legal Administration
Tel: (571) 272-3283
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0 7 JAN 2008

United States Patent and Trademark Office

Commissioner for Patents
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Alexandria, VA 22313-1450
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Caryn DeHoratius
Baldwins
Level 14
342 Lambton Quay
Wellington 6011 NZ

In re Application of	:	
Bird	:	
Application No.: 11/570,561	:	DECISION
PCT No.: PCT/NZ05/00141	:	
Int. Filing Date: 24 June 2005	:	ON
Earliest Priority Date: 24 June 2004	:	
Attorney Docket No.: JC 226957USPR	:	PETITION
For: Security For Computer Software	:	

The renewed petition to revive under 37 CFR 1.137(b) filed on 19 December 2007 in the above-captioned application is hereby **GRANTED**.

In a Decision mailed on 26 November 2007, the petition filed on 05 November 2007 was dismissed, without prejudice, because

> The petition includes authorization to charge the $770.00 petition fee to Deposit Account 02-0665. However, the individual signing the authorization does not appear to enjoy authority to do so, according to the records of the USPTO. Therefore, the $770.00 petition fee has not been charged to the Deposit Account (nor has the payable $65.00 surcharge under 37 CFR 1.492(h)). In the absence of the petition fee, it would not be appropriate to grant the petition at this time.

In response, petitioner has now paid the requisite petition fee; therefore, all of the requirements of 37 CFR 1.137(b) have now been satisfied.

It is noted that the petition filed on 19 December 2007 was accompanied by a large entity basic national fee in the amount of $310.00, though a small entity basic national fee was previously paid on 23 August 2007. It is not clear whether the small entity status has changed.

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 **23 August 2007** (the date the basic national fee was received).

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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0 8 APR 2008

CHIRON CORPORATION
INTELLECTUAL PROPERTY – R440
PO BOX 8097
EMERYVILLE CA 94662-8097

In re Application of:
CHALLONER, Peter, et al.
U.S. Application No.: 11/570,584
PCT No.: PCT/US2005/021952
International Filing Date: 20 June 2005
Priority Date: 18 June 2004
Attorney's Docket No.: PP022844.0004
For: METHODS OF TREATMENT OF ENDOBRONCHIAL INFECTIONS

DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the materials filed 04 September 2007 requesting the addition of Emil SAMARA as an inventor of record herein, treated herein under 37 CFR 1.497(d). Applicants have paid the required $130 processing fee.

BACKGROUND

On 20 June 2005, applicants filed international application PCT/US2005/021952. The application claimed a priority date of 18 June 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., 18 December 2006. The published international application identified four applicant/inventors for the U.S.: Peter CHALLONER, Carlos RODRIGUEZ, Thomas E. TARARA, and John D. LORD.

On 13 December 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 02 May 2007, 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 oath or declaration later than thirty months after the priority date were required.

On 04 September 2007, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included the required surcharge payment, a declaration that names and is signed by the four inventors of record and a fifth inventor, Emil SAMARA, and the materials considered herein under 37 CFR 1.497(d). Such materials request that Emil SAMARA be added as an additional inventor of record.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) 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; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

As noted above, applicants have filed a declaration that names an inventive entity different than that set forth in the international application (specifically, Emil SAMARA has been added as an additional inventor). Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

The present submission includes the required statement from the person to be added as an inventor (Emil SAMARA), as well as the required processing fee. Requirements (A) and (B) are therefore satisfied. In addition, applicants have submitted the consent of the assignees to the requested change in inventorship, and such consent has been provided in compliance with 37 CFR 3.73(b). Requirement (C) is therefore also satisfied.

Based on the above, applicants have satisfied the requirements of a grantable request under 37 CFR 1.497(d). Accordingly, applicants' request to add Emil SAMARA as an additional inventor of record herein is appropriately granted.

Based on the above, the declarations filed 04 September 2007 are acceptable in compliance with 37 CFR 1.497(a) and (b).

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record herein is corrected to include added inventor Emil SAMARA.

Based on the above correction of inventorship, the declaration filed 04 September 2007 is acceptable in compliance with 37 CFR 1.497(a) and (b).

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. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 04 September 2007.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

Mail Date: 04/21/2010

Applicant	: Yaakov Amitai	: DECISION ON REQUEST FOR
Patent Number	: 7643214	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/570,587	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **80** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

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JAN 15 2010

In re Application of	:	
Muller et al.	:	DECISION ON PETITION
Application No. 11/570,628	:	TO WITHDRAW
Filed: January 9, 2008	:	FROM RECORD
Attorney Docket No. 085449-0207	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 24, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Michele Simkin on behalf of all attorneys of record who are associated with customer No. 22428.

All attorneys/agents associated with the Customer Number 22428 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Michele Simkin
Washington Harbour
3000 K Street NW, Suite 600
Washington, D.C. 20007-5109

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ALSTON & BIRD, LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET
SUITE 4000
CHARLOTTE, NC 28280-4000

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JAN 07 2009

Applicant: Towler et al.
Appl. No.: 11/570,669
International Filing Date: June 20, 2005
Title: DIAGNOSTIC METHOD FOR OSTEOPOROSIS
Attorney Docket No.: 049077/319192
Pub. No.: 2008/0015447 A1
Pub. Date: January 17, 2008

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on February 25, 2008, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

It would greatly benefit the Office if the request for corrected publication pointed out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or the undersigned at (571) 272-7709.

Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Application of
Mark Robert Towler, et al.
Application No. 11/570,669
Filed: December 14, 2006
Attorney Docket No. 049077/319192

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 9, 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 Leslie T. Henry on behalf of all attorneys of record who are associated with customer No. 00826. All attorneys/agents associated with the Customer Number 00826 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. 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: CRESENT DIAGNOSTICS (IRELAND) LIMITED
47 KINCORA HARBOUR
KILLALOE, IRELAND

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
11/570,669	09/11/2007	Mark Robert Towler	049077/319192

CONFIRMATION NO. 3658

POWER OF ATTORNEY NOTICE

826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

OC000000042601868

Date Mailed: 07/15/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/09/2010.

- 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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OFFICE OF PETITIONS

KING & SPALDING LLP
P.O. BOX 889
BELMONT CA 94002-0889

In re Application of :
WILSON, Stephen D. et al. :
Application No. 11/570,691 : DECISION ON PETITION
Filed: January 15, 2008 : TO WITHDRAW
Attorney Docket No. **50450.8319** : FROM RECORD

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 25, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Peter J. Dehlingeron behalf of all attorneys of record who are associated with customer No. 79975. All attorneys/agents associated with the Customer Number 79975 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 Stephen Wilton 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: **STEPHEN D. WILTON**
18 SPEY ROAD
APPLECROSS WESTERN AUSTRAILIA 6153

DATE 27 SEP 2007

APPLICATION NUMBER 11/570,692

DOC CODE PETDEC.DOPE

DOC DATE 27 SEP 2007

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

27 SEP 2007

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DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York NY 10008-0770

In re Application of: OGAMI et al.
U.S. Application No.: **11/570692**
PCT Application No.: PCT/JP2004/019637
International Filing Date: 28 December 2004
Priority Date Claimed: 18 June 2004
Attorney Docket No.: 09852/0205897-US0
For: SURFACE-COATED CUTTING TOOL AND METHOD FOR PRODUCING SAME

DECISION ON PETITION UNDER 37 CFR 1.182

This communication is responsive to the "Request for Corrected Filing Receipt" filed 10 August 2007, which has been treated as a petition under 37 CFR 1.182. The required $400.00 petition fee has been charged to Deposit Account No. 04-0100, as authorized in the communication "Authorization to Charge Petition Fee to the Deposit Account" filed 10 September 2007.

BACKGROUND

On 15 December 2006, applicant submitted national phase papers in the United States Designated/Elected Office (DO/EO/US). The papers were submitted to the USPTO via the Internet by using the Electronic Filing System (EFS) and an electronic acknowledgement receipt was generated and transmitted to applicant, which identified the international application as PCT/JP05/19637. The papers included, *inter alia*, an application data sheet, which identified priority claims to an international application (PCT/JP2004/019637 filed 28 December 2004) and nine foreign applications (Japan 2004-181248 filed 18 June 2004, Japan 2004-181250 filed 18 June 2004, Japan 2004-181251 filed 18 June 2004, Japan 2004-345465 filed 30 November 2004, Japan 2004-345471 filed 30 November 2004, Japan 2004-345474 filed 30 November 2004, Japan 2004-348163 filed 01 December 2004, Japan 2004-348170 filed 01 December 2004, and Japan 2004-353531 filed 07 December 2004).

On 31 July 2007, the DO/EO/US mailed:

- a Notice of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903), which identified the international application as PCT/JP05/19637 filed on 28 December 2004, and

- a filing receipt, which identified a domestic priority claim to international application PCT/JP05/19637 filed on 28 December 2004, and foreign priority claim to Japan 2004-307569 filed 22 October 2004.

On 10 August 2007, applicant requested correction of the filing receipt and indicated purported errors with respect to incorrectly entered and omitted data, regarding the domestic priority application and foreign/PCT applications. Applicant indicated the requested corrections in a letter.

DISCUSSION

The electronic acknowledgement receipt indicates thereon data entered by the applicant using the EFS. The first page of the electronic acknowledgement receipt indicated that the international application number entered in EFS by the applicant was PCT/JP05/19637. However, all other application papers submitted by the applicant indicate the international application number as PCT/JP2004/019637, including the application data sheet submitted on 15 December 2006.

MPEP § 601, with regard to nonprovisional patent applications filed under 35 U.S.C. 111(a), states in relevant part:

> If there is a discrepancy between the information submitted in an application data sheet and the information submitted elsewhere in the application, the application data sheet will control.

The application data sheet information also controls for applications filed under 35 U.S.C. 371, as inferred by MPEP § 601.05, which states in relevant part:

> While the use of an application data sheet is optional, the Office prefers its use to help facilitate the electronic capturing of this important data. For example, in a national stage application filed under 35 U.S.C. 371, the Office could look to the publication of the international application for the title (see MPEP § 1893.03(e)) and to other documents for the listing of inventors and the correspondence address, but it is more desirable for the Office to only refer to a single document, i.e., an application data sheet. The data that is suggested to be supplied by way of an application data sheet can also be provided elsewhere in the application papers, but it is to applicant's advantage to submit the data via an application data sheet.

The international application number entered by the applicant using the EFS was inconsistent with the bibliographic data submitted in the application data sheet, however, in accordance with Office policy the information submitted in the application data sheet will control.

CONCLUSION

Therefore, the petition is GRANTED.

The Notice of Acceptance (Form PCT/DO/EO/903) and Filing Receipt mailed 31 July 2007 are hereby VACATED.

The application will be forwarded to the national stage processing division for further processing in accordance with this decision. A corrected filing receipt and Form PCT/DO/EO/903 will be sent in due course.

Tamara Graysay
PCT Special Program Examiner
Office of PCT Legal Administration
Telephone: (571) 272-6728
Facsimile: (571) 273-0459

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/570,706	09/07/2007	Ester G. Fernandez-Salas	17741(BOT)	4217

EXAMINER

7590 08/28/2008

ALLERGAN, INC.
2525 DUPONT DRIVE, T2-7H
IRVINE, CA 92612-1599

ART UNIT	PAPER NUMBER
1636	

MAIL DATE	DELIVERY MODE
08/28/2008	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

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HOWARD J. GREENWALD P.C.
70 LINDEN OAKS, THIRD FLOOR
ROCHESTER, NY 14625

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JUL 01 2010

OFFICE OF PETITIONS

In re Application of :
Steven Michael Faes :
Application No. 11/570,713 : ON PETITION
Filed: April 27, 2007 :
Attorney Docket No.: 789-A06-003 :

This is a decision on the communication, filed May 10, 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 September 22, 2009, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before December 22, 2009; however, the maximum statutory period for response ended on March 22, 2010.

Petitioner indicates that a timely reply was mailed using a certificate of mailing dated March 22, 2010. Petitioner submits a copy of the previously mailed correspondence, including a transmittal letter bearing a certificate of mailing dated March 22, 2010, an amendment and a 3-month petition for extension of time. Petitioner also submitted a copy of the return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on March 24, 2010 of, *inter alia,* Certificate of mailing (transmittal letter), Petition for a Three (3) Extension of Time, and Amendment.

A review of the written record confirms that an amendment, including an appropriate 3-month extension of time, was filed on March 24, 2010, using a Certificate of Mailing under 37 CFR 1.8 dated March 22, 2010, as it is present in the file. Accordingly, the amendment was timely received in the USPTO and no abandonment existed.

The holding of abandonment for failure to timely file a response to the Office action of September 22, 2009 is withdrawn and the application is restored to pending status. The Notice of Abandonment mailed March 30, 2010 is hereby vacated.

This application is being referred to Technology Center AU 3651 for appropriate action by the Examiner in the normal course of business on the reply received March 24, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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SHARP KABUSHIKI KAISHA
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Hideki Uchida	: DECISION ON REQUEST FOR
Patent Number	: 7595587	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/570,714	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **31** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SNELL & WILMER L.L.P. (Matsushita)
600 ANTON BOULEVARD, SUITE 1400
COSTA MESA, CA 92626

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OFFICE OF PETITIONS

In re Application of :
NAKAMURA, Tadashi :
Application No. 11/570,724 :
Filed: September 6, 2007 :
Attorney Docket No. 49288.4200 :

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 September 18, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 10, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2627 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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KING OF PRUSSIA PA 19406-0939

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OFFICE OF PETITIONS

In re Application of :
Ashman, et al. :
Application No. 11/570,736 : ON PETITION
Filed: December 15, 2006 :
Attorney Docket No. PB60929 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned November 5, 2009 for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of May 4, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Notice of Abandonment was mailed January 25, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and required fee, and the submission required by 37 CFR 1.114; (2) the required petition fee; 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) 272-3205.

This application is being referred to Technology Center AU 1643 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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28 FEB 2008

Alston & Bird LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000

In re Application of :
PILLON, Pierangelo :
U.S. Application No.: 11/570,742 :
PCT No.: PCT/EP05/06301 : DECISION
International Filing Date: 13 June 2005 :
Priority Date: 16 June 2004 :
Attorney's Docket No.:051896/321274 :
For: BRUSH CONTROL SYSTEM AND METHOD ON A WASHING BRUSH INSTALLATION FOR CLEANING VEHICLES :

This decision is issued in response to the "Petition to Grant Filing Date and Refund Petition fee under 37 CFR 1.53(e)" filed 11 January 2008 which has been treated as a petition under 37 CFR 1.181 seeking a corrected filing receipt indicating 15 December 2006 as the filing (or 371(c)) date for the present application. No petition fee is due.

BACKGROUND

On 15 December 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; a copy of the international application; and a preliminary amendment. The international application furnished by the International Bureau included an executed Declaration of Inventorship under PCT Rules 4.17(iv) and 51bis.1(a)(iv).

On 29 March 2007, applicant filed an executed declaration and power of attorney.

On 02 January 2008, the DO/EO/US mailed a Notification Of Acceptance Of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) identifying 29 March 2007 as the date of receipt of the 35 U.S.C. 371 requirements. Subsequently, a filing receipt was mailed to applicants. This filing receipt identified the "filing date" as 29 March 2007.

On 11 January 2008, applicant filed the "Petition to Grant Filing Date and Refund Petition fee under 37 CFR 1.53(e)" considered herein, which requests that the filing date of 29 March 2007 be changed to 15 December 2006.

DISCUSSION

Applicant requests a corrected filing date (or 371(c) date) from 29 March 2007 to 15 December 2006. The actual filing date of the present application is the international filing date, i.e., 13 June 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)(1), (c)(2) and (c)(4) for entry into the national stage were completed. (See MPEP §1893.03(b))

A review of the application file reveals that the basic national fee and a copy of the international application (which included a Declaration of Inventorship under PCT Rules 4.17(iv) and 51bis.1(a)(iv)) were filed with the USPTO on 15 December 2006, the date which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage was completed. Therefore, the correction of the "FILING DATE" on the filing receipt to indicate a date of 15 December 2006 is proper since applicants completed the requirements set forth in 35 U.S.C. 371(c) on 15 December 2006. (See MPEP section 1893.03(b)).

CONCLUSION

Applicant's request for a corrected Notification of Acceptance and Official Filing Receipt under 37 CFR 1.181 is **GRANTED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) mailed on 02 January 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) and Official Filing Receipt which identifies a date of 15 December 2006 under 35 U.S.C. 371(c).

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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OFFICE OF PETITIONS

Joseph R. Baker, APC
Gavrilovich, Dodd & Lindsey, LLP
4660 La Jolla Village Drive, Suite 750
San Diego, CA 92122

In re Application of :
Hilmar Meek Warenius et al. :
Application No. 11/570,743 : DECISION ON PETITION
Filed: March 24, 2008 : TO WITHDRAW
Attorney Docket No. 00030-004US1 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed April 29, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Martin R. Bader 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.

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: Martin R. Bader
Paul, Hastings, Janofsky & Walker, LLP
875 15th Street, NW
Washington, DC 20005

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/570,744	12/15/2006	Yohei Masada	03500.119706.	4535

5514 7590 09/21/2009

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
QIAN, YUN	

ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
09/21/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112
UNITED STATES

In re Application of
Yohei MASADA, et al.
Application No.: 11/570,744
Filed: 15 December 2006
Attorney Docket No.: 03500.119706.
For: EJECTION LIQUID, EJECTION DEVICE, EJECTION CARTRIDGE, AND METHOD OF MAKING DROPLETS FROM LIQUID

: 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 29 June 2009, 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 JPO, 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 JPO, 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 JPO, 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 JPO application(s);
   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 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;
   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).

This request to participate in the PPH program and petition is assessed as follows:

Requirements 1- 7 above are considered to have been met. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Darren Schuberg at (571) 272- 2044.

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.

Darren Schuberg
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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WHITE & CASE LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

In re Application of HOHLNEICHER et al	:	
U.S. Application No.: 11/570,748	:	
PCT Application No.: PCT/SE2005/000956	:	
Int. Filing Date: 20 June 2005	:	DECISION
Priority Date Claimed: 24 June 2004	:	
Attorney Docket No.: 1103326-0924	:	
For: A NEW ESOMEPRAZOLE SODIUM SALT CRYSTAL MODIFICATION	:	

This is in response to applicant's "Request for Corrected Filing Receipt and Notice of Acceptance" filed 30 November 2007, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 20 June 2005, applicant filed international application PCT/SE2005/000956, which claimed priority of an earlier United States application filed 24 June 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 05 January 2006. The thirty-month period for paying the basic national fee in the United States expired on 24 December 2006.

On 15 December 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 20 November 2007, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and an official Filing Receipt.

On 30 November 2007, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition states that the following errors are contained in the official Filing Receipt: (1) error in the country of residence of the first named inventor and (2) error in the agents listed as having power of attorney. A review of the executed declaration filed 15 December 2006 reveals that the country of residence of the first named inventor was identified as Sweden but is mistakenly listed as Germany in the official Filing Receipt. Furthermore, the practitioners associated with Customer Number 07470 were properly appointed by the inventors but were not listed on the official Filing Receipt.

The petition also states that the Notice of Acceptance of Application Under 35 U.S.C. 371 incorrectly lists the date of completion of all 35 U.S.C. 371 requirements as 24 December 2006. In accordance with MPEP 1893.03(b), the date of completion of all 35 U.S.C. 371 requirements for the purposes of the Notice of Acceptance of Application Under 35 U.S.C. 371 in the present case is the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f). See MPEP 1893.03(b), Rev. 6, Sept. 2007, col. 2, last paragraph et seq. A review of the application file reveals no evidence of any request for processing of the national stage papers prior to the expiration of 30 months from the priority date. Accordingly, the date of completion of all 35 U.S.C. 371 requirements for the purposes of the Notice of Acceptance of Application Under 35 U.S.C. 371 in the present case is 24 December 2006. Thus, the Notice of Acceptance of Application Under 35 U.S.C. 371 mailed 20 November 2006 did not contain the error alleged.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED IN PART.

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 corrected Filing Receipt.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/570,759		Roland Cynric Eden	QEDI-00101-NUS

MATTHIAS SCHOLL
14781 MEMORIAL DRIVE
SUITE 1319
HOUSTON TX 77079

DATE MAILED: April 5, 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 April 3, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is 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

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FISH & RICHARDSON P.C.
P.O BOX 1022
Minneapolis MN 55440-1022

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AUG 0 1 2008

Applicant: Reith
Appl. No.: 11/570,763
International Filing Date: June 13, 2005
Title: STABILIZER COMPOSITION FOR COLORED HALOGEN-CONTAINING THERMOPLASTIC RESIN COMPOSITIONS
Attorney Docket No.: 038827.320480
Pub. No.: 200/0023673 A1
Pub. Date: January 1, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 17, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein the German foreign priority date "June 15, 2004" is misprinted as "June 24, 2004".

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 failure to include the proper foreign priority date on the front page of the published patent application is an Office error but it is not a material error, as required by 37 CFR 1.221(b). The error in the foreign priority claim is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The specification and claims were accurately published, thus one can read and understand the content of the application. The

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

error also does not affect the use of the patent application publication as a prior art reference, because the foreign priority date is not useable as a reference date.

On October 22, 2007, a Filing Receipt was mailed by the Office, which included the improper foreign priority date and the projected publication date of January 31, 2008.

On January 11, 2008, Applicant's representative made a request for a corrected filing receipt. The correction in the Office electronic records was made too late in the publication process to be entered into the publication.

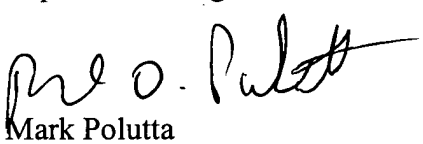
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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DANEKER, MCINTIRE, SCHUMM,
PRINCE, GOLDSTEIN, ET AL
ONE NORTH CHARLES STREET,
SUITE 2450
BALTIMORE, MD 21201

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OFFICE OF PETITIONS

In re Application of	:	
John H. KUPERUS, et al	:	
Application No. 11/570,771	:	DECISION ON PETITION
Filed: December 17, 2006	:	TO WITHDRAW
Attorney Docket No. ANZ-06-008	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent 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 Brooke Schumm III does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ANAZAOHEALTH CORPORATION
5710 HOOVER BLVD.
TAMPA, FL 33634

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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BROOKE SCHUMM III
DANEKER, MCINTIRE, SCHUMM, PRINCE, GOLDSTEIN ET AL
ONE NORTH CHARLES STREET
SUITE 2450
BALTIMORE MD 21201

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NOV 0 3 2008

OFFICE OF PETITIONS

In re Application of :

KUPERUS, John H. et al. :
Application No. 11/570,774 : DECISION ON PETITION
Filed: December 17, 2006 : TO WITHDRAW
Attorney Docket No. **ANZ-06-009** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 16, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Brooke Schumm, the sole attorney of record. Brooke Schumm 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.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **JOHN H. KUPERUS**
4209 SALTWATER BLVD.
TAMPA FL 33615

cc: **ANAZAOHEALTH CORPOATION**
5710 HOOVER BLVD.
TAMPA FL 33634

13 NOV 2008

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Raymond O. Linker, Jr.
ALSTON & BIRD LLP
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000

In re Application of	
SAFA, Henri	
Application No.: 11/570,829	DECISION ON
PCT No.: PCT/FR2005/001462	
Int. Filing Date: 14 June 2005	PETITION
Priority Date: 21 June 2004	
Attorney Docket No.: 033339/321323	UNDER 37 CFR 1.181
For: METHOD AND DEVICE FOR PROBING MATERIAL BY PHOTOFISSION	

This decision is in response to applicant's "PETITION UNDER 37 C.F.R. 1.181 TO WITHDRAW HOLDING OF ABANDONMENT IN ACCORDANCE WITH MEPEP 711.03(C) AND 1156 O.G. 53" filed 25 July 2008 alleging that applicant did not receive the Notification of Defective Response mailed 10 December 2007.

BACKGROUND

On 09 July 2007, the 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 indicated that applicant failed to provide an oath or declaration.

On 21 August 2007, applicant filed a response to the Notification. The response included a transmittal letter and a declaration.

On 10 December 2007, the DO/EO/US mailed a Notification of Defective Response (PCT/DO/EO/916), which indicated that the drawing figures contains foreign text and a new drawing with English translation is required.

On 21 July 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909).

On 25 July 2008, applicant filed the present petition under 37 CFR 1.181 and new drawings.

DISCUSSION

A review of the file indicated that the requirement for new drawing was not requested in the Notification of Missing Requirements mailed on 09 July 2007. A second Notification of Missing Requirement should have been mailed before the Notification of Defective Response. Therefore, the Notification of Abandonment was sent in error.

CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 21 July 2008 is hereby **VACATED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Shian Luong
Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557
Fax: (571) 273-0459

Leonard Smith
Supervisory Legal Examiner
Office of PCT Legal Administration

15 SEP 2008

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DON W. BULSON (GRCO)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND OH 44115

In re Application of	:	
LAVIGNE et al.	:	
Application No.: 11/570,839	:	DECISION
PCT No.: PCT/US2005/021633	:	
Int. Filing Date: 20 June 2005	:	
Priority Date: 18 June 2004	:	
Attorney Docket No.: GRLGP0345WOUSA	:	
For: RETRACTABLE ARTICULATED LANDING GEAR	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 02 May 2008 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** as **MOOT**.

BACKGROUND

On 20 June 2005, applicants filed international application PCT/US2005/021633, which designated the United States and claimed a priority date of 18 June 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 06 July 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 18 December 2006.

On 18 December 2006, applicants filed 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 October 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) was required. The NOTIFICATION set a two-month extendable period for response.

On 02 May 2008, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five month extension of time and a declaration of inventors signed by one of the two joint inventors.

On 15 July 2008, applicants filed a submission including a declaration of inventors signed by the second of the two joint inventors.

DISCUSSION

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

The declarations of inventors filed 02 May 2008 and 15 July 2008 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

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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GIBSON & DERNIER LLP
900 ROUTE 9 NORTH
SUITE 504
WOODBRIDGE, NJ 07095

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OFFICE OF PETITIONS

In re Application of
Connolly et al.
Application No. 11/570,844
Filed: April 19, 2007
Attorney Docket No. 642/09.02

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 2, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request cannot be approved since the above listed certifications were not made. Accordingly, any subsequent requests must include all certifications pursuant to 37 CFR 10.40.

Further, petitioner should note that the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, **or**, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

All future communications from the Office will continue to be directed to the above-listed address until properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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SUITE 504
WOODBRIDGE, NJ 07095

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MAR 19 2010

OFFICE OF PETITIONS

In re Application of
Connolly et al.
Application No. 11/570,844
Filed: April 19, 2007
Attorney Docket No. 642/09.02

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 13, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 still cannot be approved since the above listed certifications were not made. Accordingly, any subsequent requests must include all certifications pursuant to 37 CFR 10.40.

Further, petitioner should note that the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, **or**, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

As there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

29 JAN 2009

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53428
Don W. Bulson (Goodrich)
RENNER, OTTO, BOISSELLE & SKYLAR, LLP
1621 Euclid Avenue
19th Floor
Cleveland, OH 44115

In re Application of
COLES *et al*
U.S. Application No.: 11/570,855
PCT No.: PCT/US2005/021632
Int. Filing Date: 20 June 2005
Priority Date: 18 June 2004
Attorney Docket No.: GRLGP0338WOUSA
For: LANDING GEAR WITH LOCKING STEERING SYSTEM

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 30 April 2008.

BACKGROUND

On 30 November 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available.

On 30 April 2008, applicants filed a response which was accompanied by, *inter alia*, the subject petition, a declaration signed by one of the two named inventors; a statement of facts by Mr. Bulson; a three-month extension and fee; the $130.00 surcharge fee and the petition fee of $200.00.

DISCUSSION

Applicants claim that co-inventor, Darron K. Young, cannot be located after a diligent effort and have filed the subject petition in response to the Form PCT/DO/EO/905 mailed 30 November 2007.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventors cannot be located or refuse to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the

nonsigning joint inventor. Items (1), (3) and (4) are satisfied.

Regarding item (2), applicants' burden in showing that an inventor cannot be located is explained in section 409.03(d)(I) of the MPEP which states, in part:

> Where inability to find or reach a nonsigning inventor 'after diligent effort' is the reason for filing under 37 CFR 1.47, an affidavit or declaration of the facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made . . .
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

In this case, petitioners have submitted a statement of facts detailing the steps taken to locate the whereabouts of the nonsigning inventor signed by Mr. Bulson. These steps consisted of sending a letter to the last known address of the nonsigning inventor and performing a "search" on YAHOO Canada People Search. No documentary evidence of any search was provided. These efforts do not meet the 'diligent effort' standard of section 409.03(d)(I) of the MPEP.

Petitioners should attempt to locate Mr. Coles using other internet search directories, professional associations and telephone directories. Petitioners should also contact former co-workers and employers to see if they have any knowledge of Mr. Coles' whereabouts. These efforts are not extraordinary and are required to meet the 'diligent effort' standard needed to satisfy item (2) above. Documentary evidence of these searches (a sampling) should be provided in any renewed petition.

For these reasons, item (2) of 37 CFR 1.47(a) is not yet complete.

CONCLUSION

Applicants' 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. No additional petition fee is required.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

25 NOV 2009

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United States Patent and Trademark Office
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53428
Don W. Bulson (Goodrich)
RENNER, OTTO, BOISSELLE & SKYLAR, LLP
1621 Euclid Avenue
19th Floor
Cleveland, OH 44115

In re Application of
COLES *et al*
U.S. Application No.: 11/570,855
PCT No.: PCT/US2005/021632
Int. Filing Date: 20 June 2005
Priority Date: 18 June 2004
Attorney Docket No.: GRLGP0338WOUSA
For: LANDING GEAR WITH LOCKING STEERING SYSTEM

DECISION

This decision is in response to the papers filed 27 March 2009 which are treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 29 January 2009, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 27 March 2009, applicants filed the subject response which was accompanied by a declaration executed by the nonsigning inventor.

DISCUSSION

In the renewed petition, applicants submitted a declaration executed by the nonsigning inventor, John W.C. Coles[1]. This declaration is in compliance with 37 CFR 1.497(a) & (b).

No further action on the petition under 37 CFR 1.47(a) is required.

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[1] The prior decision inadvertently identified the nonsigning inventor as Darron K. Young in the beginning of the Discussion section. The inventor was correctly identified later in the decision.

CONCLUSION

For the reason discussed above, the petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 20 June 2005 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 27 March 2009.

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

12 DEC 2008

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02352
OSTROLINK FABER GERB & SOFFEN
1180 Avenue of the Americas
New York, NY 10036-8403

In re Application of :
TAKAYAMA *et al* :
Application No.: 11/570,875 :
Filing Date: 18 December 2006 : **DECISION**
Attorney Docket No.: P/3541-112 V1003 :
For: MEDICAL APPARATUS :

This decision is in response to applicant's "Petition Under 37 C.F.R. § 1.182 to Convert Status of Application Under 35 U.S.C. §371 to Continuation Under 35 U.S.C. 111(a)" filed 20 October 2008. Applicants' petition is **DISMISSED** as **MOOT**.

Applicants' petition fee of $400.00 has been refunded.

The above-captioned application was improperly treated by the Office as a filing under 35 U.S.C. 371. In the papers filed 18 December 2006, applicants used a transmittal letter (Form PTO-1390) which is intended for a national stage filing under 35 U.S.C. 371. Regardless, the amendment to the specification also submitted on 18 December 2006 states that:

> This is a Continuation Application of PCT Application No. PCT/JP2005/006157, filed March 30, 2005, which was published under PCT Article 21(2) in Japanese.

The official USPTO Notice published in the Official Gazette at 1077 OG 13 (April 14, 1987) entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371, (the National Stage of PCT)" states, in part, that: "[i]f there are any conflicting instructions as to which section of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111." Here, the first page of the specification contains conflicting information which should have made this a filing under 35 U.S.C. 111(a).

For this reason, the Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt mailed 28 July 2008 are **VACATED**.

This application is being forwarded to the Office of Patent Examination Processing for further processing under 35 U.S.C. 111(a) with a filing date of 18 December 2006.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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04 DEC 2008

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OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of America
New York, New York 10036-8402

In re Application of:	:	
MORIYAMA, Hiroki	:	DECISION ON
U.S. Application No.: 11/570,879	:	
PCT Application No.: PCT/JP05/11126	:	PETITION TO CONVERT
Int. Filing Date: 17 June 2005	:	
Priority Date: 17 June 2004	:	371 APPLICATION TO
Atty Docket No.: P/4664-13 V1004	:	
For: ENDOSCOPE AND SUPPORT MEMBER FOR BENDING OPERATION OF THE SAME	:	CONTINUATION OF PCT

This decision is in response to applicant's "Petition to Convert 371 Application to Continuation of PCT" filed in the United States Patent and Trademark Office (PTO) on 11 July 2008.

BACKGROUND

On 18 December 2006, applicant filed a submission to enter the U.S. National Phase for international application PCT/JP05/11126 that included, inter alia, a transmittal letter (Form PTO-1390) to the United States Designated /Elected Office (DO/EO/US) under 37 U.S.C. 371, and a preliminary amendment to the specification identifying the present application as a "Continuation of PCT International application Ser. No. PCT/JP05/011126". Subsequently, a Filing Receipt and a Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 was mailed on 14 February 2008.

On 11 July 2008, applicant filed the instant petition to convert the prior designation of the application from a National Phase application under 35 U.S.C. 371 to a Continuation application under 35 U.S.C. 111(a).

DISCUSSION

37 CFR 1.495(g) states:

> The documents and fees submitted under paragraphs (b) and (c) of this section must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. Otherwise, the submission will be considered as being made under 35 U.S.C. 111(a).

MPEP 1893.03(a), under the section "How To Identify That an Application Is a U.S. National Stage Application" states in relevant part,

> Also, if there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a). A conflicting instruction will be present, for example, where applicant includes in the initial submission under 35 U.S.C. 371, a "Utility Patent Application Transmittal" (Form PTO/SB/05) or includes a benefit claim under 35 U.S.C. 120 to the international application. Applications that have been processed under 35 U.S.C. 371 and later found by the examiner to contain conflicting instructions should be forwarded to the Office of PCT Legal Administration for resolution.

In light of the presence of conflicting instruction, the present application will be treated as an application filed under 35 U.S.C. 111(a).

CONCLUSION

The petition to convert the status of the present application from a National Stage application under 35 USC 371 to a Continuation application under 35 U.S.C. 111(a) is GRANTED.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 14 February 2008 is VACATED.

This application is being forwarded to the Office of Patent Application Processing for processing the present application as a filing under 35 USC 111(a).

/Helen L. Pezzuto/
Detailee
PCT Legal Administration
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Boris Milef
PCT Legal Examiner
PCT Legal Administration
Tel: (571) 272-3288
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OFFICE OF PETITIONS

MATTHIAS SCHOLL
14781 MEMORIAL DRIVE
SUITE 1319
HOUSTON, TX 77079

In re Application of :
Hartley Campbell Atkinson :
Application No. 11/570,887 : DECISION ON PETITION
Filed: December 19, 2006 : TO WITHDRAW
Attorney Docket No. PIET-00401-NUS : FROM RECORD
:

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 10, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Matthias Scholl has been revoked by the applicant of the patent application on August 13, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to 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: AFT PHARMACEUTICALS LIMITED
16 BRETT AVENUE, TAKAPUNA
ACKLAND, 0622 NEW ZEALAND

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CARLSON GASKEY & OLDS
400 W MAPLE STE 350
BIRMINGHAM, MI 48009

Mail Date: 04/21/2010

Applicant	: Muhidin A. Lelic	: DECISION ON REQUEST FOR
Patent Number	: 7650970	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/570,892	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **446** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

21 AUG 2009

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:	
PARMENTIER et al.	:	
Application No.: 11/570,923	:	DECISION ON
PCT No.: PCT/BE05/00104	:	
Int. Filing Date: 29 June 2005	:	DECLARATION
Priority Date: 29 June 2004	:	
Attorney Docket No.: VANM199.013APC	:	
For: NUCLEOTIDE PYROPHOSPHATASE INHIBITOR AND COENZYME REGENERATING SYSTEMS	:	

This is a decision applicant's response to Notification of Missing Requirements filed in the United States Patent and Trademark Office (USPTO) on 12 September 2008.

BACKGROUND

On 19 December 2006, applicant filed a request for entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 30 July 2008, the Office mailed Notification of Missing Requirements indicating, *inter alia*, that declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 12 September 2008, applicant filed an executed French/English declaration identifying Sofie Parmentier, Eric Vandamme, Joeri Beauprez, and Filip Arnaut as inventors in the above referenced application.

DISCUSSION

A review of the declaration filed on 12 September 2008 reveals that the declaration is in the French and English language. As stated in 37 CFR 1.69(b), unless the text of any oath or declaration in a language other than English is in the form provided by the Patent and Trademark Office..., it must be accompanied by an English translation together with a statement that the

translation is accurate. See also MPEP 602.06. The declaration is not the USPTO form (PTO/SB/106). Nor is the declaration accompanied by a statement that the translation is accurate. Thus, the declaration is unacceptable as filed.

CONCLUSION

The declaration originally filed on 12 September 2008 is unacceptable as filed. Applicant is required to correct the above-noted defects within **TWO (2) MONTHS** from the mail date of this Decision. Extensions of time are NOT available.

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
PCT Legal Administration
Telephone: 571-272-3286
Facsimile: 571-273-0459

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COHEN & POKOTILOW, LTD.
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PHILADELPHIA PA 19103-2212

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JUL 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Smith, Amanda	:	DECISION ON PETITION
Application No. 11/570,939	:	TO WITHDRAW
Filed: December 19, 2006	:	FROM RECORD
Attorney Docket No. L1158/20001	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 18, 2009.

The request is **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 Gary A. Greene on behalf of all attorneys/agents of record who are associated with Customer Number 03000. All attorneys/agents associated with Customer Number 03000 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, Amanda Smith, at the address indicated below.

There is an outstanding Office action mailed February 5, 2009 which requires a reply from the applicant. Failure to timely reply will result in abandonment of the instant application.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: AMANDA SMITH – TUI EQUESTRIAN, LTD.
PARKSIDE, BASINGSTOKE ROAD
HECKFIELD HOOK HANTS RG1 0LN
GREAT BRITAIN

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FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO, P.L.
21335 E. Dixie Highway, Suite 115
Miami, Florida 33180

In re Application of	:	DECISION ON REQUEST TO
Alan MOLE	:	PARTICIPATE IN PATENT
Application No. 11/570949	:	PROSECUTION HIGHWAY
Filed: December 19, 2006	:	PILOT PROGRAM AND PETITION
Attorney Docket No. 7043-X06-015	:	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 September 20, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UK;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UK application(s);
(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 UK 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 UK application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UK examiner in the UK 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 Kathryn Gorgos at 571 272-1012.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kathryn Gorgos
TQAS TC 1700

06 OCT 2008

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26875
WOOD, HERRON & EVANS LLP
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202

In re Application of :
WIDHAMMER *et al* :
U.S. Application No.: 11/570,955 :
PCT No.: PCT/EP2005/006992 : **DECISION ON**
Int. Filing Date: 29 June 2005 : **PETITION UNDER**
Priority Date: 29 June 2004 : **37 CFR 1.137(b)**
Docket No.: BEET-20 :
For: DOCKING DRIVE, LOCKING :
ELEMENT, DOCKING SYSTEM :

Applicants' petition to revive under 37 CFR 1.137(b) filed on 21 August 2008 is hereby **GRANTED** as follows:

The proper fees and the petition fee for a small entity have been paid. Applicants made 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.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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0 5 JUN 2009

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DeMont & Breyer, LLC
100 Commons Way, Ste. 250
Holmdel NJ 07733

In re Application of FILIPON et al. Serial No.: 11/570,963 PCT App. No.: PCT/EP05/02586 Int'l Filing Date: 11 March 2005 Priority Date: 24 June 2004 Attorney Docket No.: 9771-021US For: JACK CONNECTOR ASSEMBLY HAVING CIRCUITRY COMPONENTS INTEGRATED FOR PROVIDING POE-FUNCTIONALITY	:	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 03 April 2009 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 declarations in compliance with 37 CFR 1.497(a) and (b) were provided on 03 April 2009 and are acceptable. The required petition fee of $1620 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. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **03 April 2009.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone:(571) 272-3286
Facsimile: (571) 272-0459

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

Mail Date: 04/20/2010

Applicant	: Hiroyuki Uejima	: DECISION ON REQUEST FOR
Patent Number	: 7630743	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/570,974	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **180** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA, GA 30309

13 FEB 2007

In re Application of	:	
Fryer et al.	:	
Application No.: 11/570,976	:	DECISION
PCT No.: PCT/GB05/02298	:	
Int. Filing Date: 10 June 2005	:	ON
Earliest Priority Date: 11 June 2004	:	
Attorney Docket No.: 24963-0011	:	PETITION
For: Electroluminescent Displays	:	

The petition to revive under 37 CFR 1.137(b) filed 20 December 2006 in the above-captioned application is hereby **GRANTED** as follows:

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." This statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. 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 the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

3 0 JAN 2009

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Jerome D. Jackson (Jackson Patent Law Office)
211 N. Union Street, Suite 100
Alexandria VA 22314

In re Application of	:	
KATO et al.	:	
Application No.: 11/570,982	:	
PCT No.: PCT/JP2005/012147	:	
Int. Filing Date: 24 June 2005	:	DECISION ON PETITION
Priority Date: 25 June 2004	:	
Attorney Docket No.: 174.005	:	
For: IMAGE MIXING APPARATUS AND PIXEL MIXER	:	

This decision is issued in response to applicants' "Petition under 37 CFR 1.47" filed 05 January 2009 to accept the application without the signature of joint-inventor, Koichi Sano.

BACKGROUND

On 24 June 2005, applicants filed international application PCT/JP2005/012147 which claimed a priority date of 25 June 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 26 December 2006.

On 20 December 2006, applicants filed a transmittal letter for entry into the national stage in the United States for international application PCT/EP05/05493, which included, among other materials, the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a copy of the international application.

On 06 August 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond. The notification set a two-month time limit in which to respond.

On 05 January 2009, applicants filed the present petition under 37 CFR 1.47(a) and a three-month extension of time fee.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR

1.17, (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 behalf of the nonsigning joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. 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."

Here, the evidence submitted to demonstrate Koichi Sano's refusal to execute the application papers is contained in the Declaration of Jerome D. Jackson included in the petition, and the exhibits thereto. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("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 available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by two of the three inventors and including an unsigned signature box identifying the nonsigning inventor (Koichi Sano). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is appropriate to accept the application without the signature of Koichi Sano under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
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30 JAN 2009

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Koichi Sano
1/F Emina-ru Minamikusatsu
2110-1 Noji-cho
Dusatsu-shi, Shiga, 5250055
Japan

In re Application of
KATO et al.
Application No.: 11/570,982
PCT No.: PCT/JP2005/012147
Int. Filing Date: 24 June 2005
Priority Date: 25 June 2004
Attorney Docket No.: 174.005
For: IMAGE MIXING APPARATUS AND PIXEL MIXER

Dear Mr. Sano:

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.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

Counsel of Record:
Jerome D. Jackson (Jackson Patent Law Office)
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