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

COPY MAILED

FEB 26 2008

In re Application of :
GOULD, et al. :
Application No. 11/601,135 : DECISION ON PETITION
Filed: November 17, 2006 : TO WITHDRAW
Attorney Docket No. **021841.0010.NPUS03** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 24, 2007.

The request is **NOT APPROVED**.

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

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

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **DAVID GOULD**
104 PLAINS VIEW ROAD
BOULDER, CO 80302

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

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SEP 09 2008

OFFICE OF PETITIONS

In re Application of :
GOULD, et al. :
Application No. 11/601,135 : DECISION ON PETITION TO
Filed: November 17, 2006 : WITHDRAW FROM RECORD
Attorney Docket No. 365897-991110 :

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 13, 2008.

The request is NOT APPROVED as moot.

A review of the file record indicates that the power of attorney to KELLEY DRYE & WARREN, LLP has been revoked by the assignee of the patent application on May 8, 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: DLA PIPER US LLP
2000 UNIVERSITY AVENUE
E. PALO ALTO, CA 94303-2248

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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Mail Date: 04/20/2010

Applicant	: Kumaran Manikantan Nair	: DECISION ON REQUEST FOR
Patent Number	: 7666328	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/601,136	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **730** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Stephen M. De Klerk
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

Mail Date: 04/22/2010

Applicant	: Tae-Hwan Ha	: DECISION ON REQUEST FOR
Patent Number	: 7618101	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/601,139	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/601,144	11/17/2006	Sang-il Park	PSC/0005	5552

26290 7590 04/10/2008
PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056

EXAMINER	
KIM, ROBERT H	

ART UNIT	PAPER NUMBER
2881	

MAIL DATE	DELIVERY MODE
04/10/2008	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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PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056
UNITED STATES

APR - 9 2008

In re Application of
Sang-Il PARK et al.
Application No.: 11/601,144
Filed: November 17, 2006
Attorney Docket No.: PSC/0005
For: SCANNING PROBE MICROSCOPE CAPABLE OF MEASURING SAMPLES HAVING OVERHANG STRUCTURE

: 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 1, 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 KIPO, note where the KIPO 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 KIPO application with similar claims and the KIPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KIPO 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 KIPO 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. A copy of all the office actions which are relevant to patentability from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for this request,
    b. An English language translation of the KIPO Office action, and
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO 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).

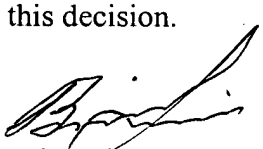
It is noted that applicant has not submitted a copy of any relevant office actions from the KIPO however upon inspection of the application in the KIPO it has been determined that this application was a first action issue and there were no relevant office actions to submit.

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 Brian Sircus at 571 272 2058.

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.



Brian Sircus
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12-24-09

TO SPE OF : ART UNIT 1626

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/601184 Patent No.: 7612106

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Angela Green 703-756-1541
Certificates of Correction Branch
703-756-1814

Thank You For Your Assistance

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

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

Comments: The C of C has been approved.

SPE 1623 Art Unit

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COOK, ALEX, McFARRON, MANZO
CUMMINGS & MEHLER, LTD.
SUITE 2850
200 WEST ADAMS STREET
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Satoru Saito	: DECISION ON REQUEST FOR
Patent Number	: 7625783	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/601,193	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **403** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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BOHAN MATHERS
PO BOX 17707
PORTLAND ME 04112-8707

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DEC 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Rodolphe J. Simon	:	DECISION ON PETITION
Application No. 11/601,237	:	TO WITHDRAW
Filed: November 17, 2006	:	FROM RECORD
Attorney Docket No. 06-100	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed October 21, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on October 21, 2009 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

> (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
>
> (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
>
> (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with the above certifications. It is suggested that petitioner submit a properly completed PTO/SB/83 (effective date May 12, 2008), which provides a section wherein practitioners may certify the completion of the above-listed activities necessary for the request to withdraw from representation to be granted.

Further, 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 Patricia M. Mathers on behalf of herself, but does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number upon filing of the instant application, the Request must reflect withdrawal of practitioners associated with same Customer Number.

Additionally, 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 otherwise notified by applicant.

Currently, there is an outstanding Office action mailed October 21, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAILED

JUL 19 2010

OFFICE OF PETITIONS

STRASBURGER & PRICE, LLP
901 MAIN STREET
SUITE 4400
DALLAS TX 75202

In re Application of :
Timothy A. Shell :
Application No. 11/601,244 : DECISION ON PETITION
Filed: November 17, 2006 :
Attorney Docket No. 15306.4001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 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 RCE and an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action mailed October 6, 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 3715 for appropriate action by the Examiner in the normal course of business on the reply received May 21, 2010.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

PTO/SB/130 (10-08)
Approved for use through 11/30/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	11601248	Confirmation Number	5637	Filing Date	2006-11-18
Attorney Docket Number (optional)	TRAYP.10463	Art Unit	3753	Examiner	Craig M Schneider
First Named Inventor	Paul L. Traylor				
Title of Invention	Air Gap with Deodorizer Apparatus and Method of Use				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Paul	L.	Traylor	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Jeromye V. Sartain/	Date (YYYY-MM-DD)	2008-11-14
Name	Jeromye V. Sartain	Registration Number	54423

PTO/SB/130 (10-08)
Approved for use through 11/30/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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In re Application of
Paul L. Traylor

Application No. 11601248

Filed: November 18,2006

Attorney Docket No. TRAYP.10463

: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 14-NOV-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone 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.

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COMMISSIONER FOR PATENTS
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FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

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AUG 27 2008

Applicant: Higuchi
Appl. No.: 11/601,251
Filing Date: November 17, 1006
Title: TRICYCLIC QUINOLINONE AND TRICYCLIC QUINOLINONE ANDROGEN RECEPTOR MODULAR COMPOUNDS AND METHODS
Attorney Docket No.: 18202-018002/1082B
Pub. No.: 2007/0072849 A1
Pub. Date: March 29, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on April 24, 2007, for the above-identified application.

The request is granted.

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

It would greatly benefit the Office if the request for corrected publication pointed out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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SEAGATE TECHNOLOGY C/O MPFP SF
425 MARKET STREET
SAN FRANCISCO, CA 94105

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SEP 20 2007

OFFICE OF PETITIONS

In re Application of :
Lee Mikhailovich Dvoskin :
Application No. 11/601,291 : DECISION ON PETITION
Filed: November 17, 2006 : TO WITHDRAW
Attorney Docket No. 146712007310 : FROM RECORD
:

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 8, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Seagate Technology has been revoked by the assignee of the patent application on July 23, 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: STEPHEN C. DURANT
NOVAK DRUCE & QUIGG, LLP
SPEAR STREET TOWER – 35TH FLOOR
ONE MARKET PLAZA
SAN FRANCISCO, CA 94105

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SEAGATE TECHNOLOGY LLC
INTELLECTUAL PROPERTY DEPARTMENT
920 DISC DRIVE, MS/SV02A7
SCOTTS VALLEY, CA 95066-4544

Mail Date: 04/21/2010

Applicant	: Lev Mikhailovich Dvoskin	: DECISION ON REQUEST FOR
Patent Number	: 7568370	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/601,291	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **328** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 05/20/2010

Applicant	: Chia-Liang Lin	: DECISION ON REQUEST FOR
Patent Number	: 7629854	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/601,303	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

Mail Date: 04/20/2010

Applicant	: Pramila Srinivasan	: DECISION ON REQUEST FOR
Patent Number	: 7613915	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/601,323	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **107** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 07/02/2010

Applicant	: Jianyong Cai	: DECISION ON REQUEST FOR
Patent Number	: 7657283	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/601,339	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **643** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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TRASK BRITT, P.C./ MICRON TECHNOLOGY
P.O. BOX 2550
SALT LAKE CITY, UT 84110

Mail Date: 04/20/2010

Applicant	: Peter A. Benson	: DECISION ON REQUEST FOR
Patent Number	: 7629250	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/601,341	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **124** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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TRASK BRITT, P.C./ MICRON TECHNOLOGY
P.O. BOX 2550
SALT LAKE CITY, UT 84110

Mail Date: 05/17/2010

Applicant : Peter A. Benson
Patent Number : 7629250
Issue Date : 12/08/2009
Application No: 11/601,341
Filed : 11/17/2006

: 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 **164** 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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MAY 20 2010

OFFICE OF PETITIONS

ERNEST D. BUFF
ERNEST D. BUFF AND ASSOCIATES, LLC.
231 SOMERVILLE ROAD
BEDMINSTER NJ 07921

In re Application of :
Marni Markell HURWITZ :
Application No. 11/601,353 : ON PETITION
Filed: November 17, 2006 :
Attorney Docket No. 0200-15 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 15, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to timely file corrected drawings on or before May 27, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed February 27, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 28, 2008 .

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

With respect to item (1): The replacement drawings received with the petition dated January 15, 2010, are acknowledged, however, have not been accepted by the examiner assigned to this application. In this regard, the reply received with the petition is improper and cannot be accepted as complying with the requirements as set out in 37 CFR 1.137(b).

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.

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.**

Inquires concerning the improper reply dated January 15, 2010, should be directed to the Examiner at (571) 272-4936.

All other 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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United States Patent and Trademark Office
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JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

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OFFICE OF PETITIONS

In re Application of :
LYNCH, Samuel E. et al. :
Application No. 11/601,376 : DECISION ON PETITION
Filed: November 17, 2006 : TO WITHDRAW
Attorney Docket No. **56733-336225 (0100US)** : FROM RECORD
:

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 14, 2008.

The request is not approved because it is **moot**.

A review of the file record indicates that the power of attorney to KILPATRICK STOCKTON, LLP has been revoked by the assignee of the patent application on August 19, 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: **MORRISON & FOERSTER LLP**
755 PAGE MILL RD
PALO ALTO CA 94304-1018

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Thomas A. O'Rourke
Bodner & O'Rourke, LLP
425 Broadhollow Road
Melville NY 11747

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MAY 27 2008

OFFICE OF PETITIONS

In re Application of :
Borbely :
Application No. 11/601,384 : DECISION ON PETITION
Filed: November 17, 2006 :
For: PB^{2+} - ION BINDING BY POLYACID-BASED NANOPARTICLES :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 1, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned February 12, 2007 for failure to timely submit a proper reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed December 11, 2006. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was filed August 16, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a reply to the Notice (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 the Office of Patent Application Processing for further processing

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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CLEMENTS BERNARD PLLC
1901 ROXBOROUGH ROAD
SUITE 300
CHARLOTTE, NC 28211

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MAY 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Thomas Joseph SWIERSKI, et al	:	
Application No. 11/601,391	:	DECISION ON PETITION
Filed: November 17, 2006	:	TO WITHDRAW
Attorney Docket No. 4408	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 22, 2009.

The request is **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 Christopher L. Bernard on behalf of the attorneys of record associated with Customer No. 22474.

The attorneys of record associated with Customer No. 22474 have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: THOMAS JOSEPH SWIERSKI
2217 D MATTHEWS TOWNSHIP
PARKWAY #237
MATTHEWS, NC 28105

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/601,391	11/17/2006	Thomas Joseph Swierski	4408

CONFIRMATION NO. 7298

POWER OF ATTORNEY NOTICE

22474
Clements Bernard PLLC
1901 Roxborough Road
Suite 300
Charlotte, NC 28211

OC000000036179829

Date Mailed: 05/27/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/22/2009.

- 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.

/dcgoodwyn/

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

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JONES DAY
222 EAST 41ST STREET
NEW YORK, NY 10017-6702

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OFFICE OF PETITIONS

In re Application of
Dimitris S. PAPAGEORGIOU, et al
Application No. 11/601,404
Filed: November 16, 2006
Attorney Docket No. 948576-999018 (011812-001

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 23, 2008.

The request is **APPROVED**.

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

The request was signed by James W. Peterson on behalf of all attorneys/agents of record.

All attorneys/agents of record have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed January 24, 2008 that requires a reply 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: SENSICORE, INC.,
ATTN: MALCOLM KAHN
755 PHOENIX DRIVE
ANN ARBOR, MI 48108

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/601,404	11/16/2006	Dimitris S. Papageorgiou	948576-999018 (011812-001

CONFIRMATION NO. 7307

51442
JONES DAY
222 East 41st Street
New York, NY 10017-6702

POWER OF ATTORNEY NOTICE

Date Mailed: 03/14/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/23/2008.

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

/dcgoodwyn/

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

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SYNOPSYS, INC./BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Bing Tian	: DECISION ON REQUEST FOR
Patent Number	: 7594211	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/601,411	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **132** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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DLA Piper US LLP
4365 Executive Drive
Suite 1100
San Diego, CA 92121-2133

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AUG 29 2008

OFFICE OF PETITIONS

In re Application of	:	
Sue DeNise, e al.	:	
Application No. 11/601,433	:	DECISION ON PETITION
Filed: November 17, 2006	:	TO WITHDRAW
Attorney Docket No. MMI1160-3	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 10, 2008.

The request is **APPROVED**.

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

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

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

There is an outstanding Office action mailed August 6, 2008 that requires a reply from the 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: **Sue DeNise**
2402 Madrid Court
Davis, CA 95616

cc: **Edwin C. Quattlebaum, Ph.D**
Metamorphix, Inc.
8000 Virginia Manor Road, Suite 140
Beltsville, MD 20705

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/601,433	11/17/2006	Sue DeNise	MMI1160-3

CONFIRMATION NO. 5500

POWER OF ATTORNEY NOTICE

28213
DLA PIPER US LLP
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO, CA 92121-2133

OC000000031826394

Date Mailed: 08/29/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/10/2008.

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

/tswilliams/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHOATE, HALL & STEWART LLP
Two International Place
Boston, MA 02110

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JUN 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Yat Sum Or, et al.	:	
Application No. 11/601,436	:	DECISION ON PETITION
Filed: November 17, 2006	:	TO WITHDRAW
Attorney Docket No. 12827-014-999/226269-014	:	FROM RECORD
	:	

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 5, 2010

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

A review of the file record indicates that the power of attorney to Choate, Hall & Stewart LLP has been revoked by the assignee of the patent application on May 13, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **JONES DAY**
222 E. 41st Street
New York, NY 10017

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUL 19 2010

OFFICE OF PETITIONS

CHOATE, HALL & STEWART LLP
Two International Place
Boston, MA 02110

In re Application of	:	
Yat Sum Or, et al.	:	
Application No. 11/601,436	:	DECISION ON PETITION
Filed: November 17, 2006	:	TO WITHDRAW
Attorney Docket No. 12827-014-999/226269-014	:	FROM RECORD
	:	

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 23, 2010

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

A review of the file record indicates that the power of attorney to Choate, Hall & Stewart LLP has been revoked by the assignee of the patent application on May 13, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **JONES DAY**
222 E. 41st Street
New York, NY 10017

UNITED STATES PATENT AND TRADEMARK OFFICE

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STATTLER - SUH PC
60 SOUTH MARKET STREET
SUITE 480
SAN JOSE, CA 95113

Mail Date: 04/21/2010

Applicant	: Wei Guan	: DECISION ON REQUEST FOR
Patent Number	: 7590616	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/601,449	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **225** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Trop Pruner & Hu, PC
1616 S. Voss Road, Suite 750
Houston, TX 77057-2631

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OFFICE OF PETITIONS

In re Application of	:	
Bruce E. Enz et al.	:	
Application No. 11/601,453	:	DECISION ON PETITION
Filed: November 17, 2006	:	TO WITHDRAW
Attorney Docket No. HLF.0002US	:	FROM RECORD
	:	

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 30, 2007.

The request is **APPROVED**.

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

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

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

There is an outstanding Office action mailed March 27, 2008 that requires a reply from the 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: **4310 Yoakum Partnership, LLP**
530 Lovett Boulevard
Houston, TX 77006

cc: **The Hall Law Firm**
530 Lovett Boulevard
Houston, TX 77006

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/601,453	11/17/2006	Bruce E. Enz	HLF.0002US

CONFIRMATION NO. 5186

POWER OF ATTORNEY NOTICE

21906
TROP PRUNER & HU, PC
1616 S. VOSS ROAD, SUITE 750
HOUSTON, TX 77057-2631

OC000000029513386

Date Mailed: 04/22/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/30/2007.

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

/tswilliams/

Office of 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
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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MAR 18 2009

OFFICE OF PETITIONS

Applicant: Ohlbaum, et al.
Appl. No.: 11/601,516
Filing Date: November 17, 2006
Title: DNA FRAGMENTS ARRAY FROM BIOMINING MICROORGANISMS AND METHOD FOR DETECTION OF THEM
Attorney Docket No.: 15807.0013US01
Pub. No.: US 2008/0207462 A1
Pub. Date: August 28, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 5, 2008 for the above-identified application. Applicant requests that the application be republished because the patent application publication contains material errors in that a prior art reference was published rather than the intended application.

The request is dismissed as moot, since the application has already been republished.

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

Inquiries relating to this matter may be directed to Mark O. 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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OSHA LIANG LLP/Oracle
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

Mail Date: 04/20/2010

Applicant	: Andrew B. Hastings	: DECISION ON REQUEST FOR
Patent Number	: 7647471	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/601,521	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **525** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

CATALINA & ASSOCIATES
A PROFESSIONAL CORPORATION
1319 PARK STREET, SUITE 100
ROBBINSVILLE, NJ 08691

In re Application of :
Roger Crawfos et al. :
Application No. 11/601,530 : DECISION ON PETITION
Filed: November 17, 2006 : TO WITHDRAW
Attorney Docket No. 05-11385-03 : 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 21, 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 33296 has been revoked by the assignee of the patent application on March 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 JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: FOX ROTHSCHILD, LLP
Pittsburgh
2000 Market Street
10th Floor
Philadelphia PA 19103

UNITED STATES PATENT AND TRADEMARK OFFICE

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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

Mail Date: 04/21/2010

Applicant	: Henry Young Chin	: DECISION ON REQUEST FOR
Patent Number	: 7614500	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/601,548	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **126** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Joe D. Wicker

Application No. 11601557

Filed: November 17,2006

Attorney Docket No. A6,026

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

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 12-JUN-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.

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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Mail Date: 04/20/2010

Applicant	: Howard Glenn Damude	: DECISION ON REQUEST FOR
Patent Number	: 7645604	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/601,564	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **337** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SOCAL IP LAW GROUP LLP
310 N. WESTLAKE BLVD. STE 120
WESTLAKE VILLAGE, CA 91362

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JUN 25 2009

OFFICE OF PETITIONS

In re Application of :
Norberto A. Guzman :
Application No. 11/601,568 :
Filed: November 17, 2006 :
Attorney Docket No. P015-P08171US :

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 28, 2009

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

A review of the file record indicates that the power of attorney to practitioners associated with SoCal Ip Law Group LLP has been revoked by the applicant of the patent application on May 6, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: INTELLECTUAL PROPERTY LAW OFFICE OF JOEL VOELZKE
24772 SADDLE PEAK ROAD
MALIBU, CA 90265

UNITED STATES PATENT AND TRADEMARK OFFICE

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WWW.USPTO.GOV

Paper No. None

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OFFICE OF PETITIONS

KIRTON AND MCCONKIE
60 EAST SOUTH TEMPLE,
SUITE 1800
SALT LAKE CITY UT 84111

In re Application of	:	
Jeanette R. Lynton	:	
Application No. 11/601,571	:	DECISION ON PETITION
Filing Date: November 17, 2006	:	UNDER 37 C.F.R. § 1.183
Attorney Docket Number:	:	
7687.202	:	
Title: SYSTEMS AND METHODS FOR	:	
MOUNTING MEMORABILIA	:	

Background

This is a decision on the petition filed on March 14, 2007, pursuant to 37 C.F.R. §§ 1.182 and 1.183, which is properly treated as a petition pursuant to 37 C.F.R. § 1.183. Petitioner has requested the waiver of Rule § 1.63(c)(1) which requires the oath or declaration to identify the mailing and/or residence of the inventor.

In short, the declaration that was submitted on February 12, 2007 contains the residence and the mailing address of the inventor. However, Petitioner has requested that the Office withhold this information from public view, and has submitted a declaration that omits this information.

The present application was filed on November 17, 2006, without an oath or declaration. A "notice to file missing parts of nonprovisional application - filing date granted " was mailed on December 8, 2006, indicating that an executed oath or

declaration, *inter alia*, would be required. On February 12, 2007, Applicants provided, *inter alia*, an executed declaration and the required surcharge.

With the present petition, Petitioner has submitted a portion of the $400 petition fee. The deficiency has been charged to Petitioner's Deposit Account, as authorized in the petition.

Petitioner has further submitted a declaration that does not list the residence and post office address for the inventor, and has requested that this information be withheld from public view. Petitioner has further requested that 37 C.F.R. §1.63(c)(1) be waived.

A discussion follows.

Applicable Law, Rule, and Portion of the MPEP

37 C.F.R. §1.67(c)(1) sets foth, *in pertinent part*:

(c) Unless such information is supplied on an application data sheet in accordance with § 1.76, the oath or declaration must also identify:

(1) The mailing address, and the residence if an inventor lives at a location which is different from where the inventor customarily receives mail, of each inventor…

37 C.F.R. §1.183 sets forth, *in toto*:

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(h).

[47 FR 41278, Sept. 17, 1982, effective Oct. 1, 1982; revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003]

Analysis

In order to submit a grantable petition under 37 C.F.R. §1.183, Petitioner 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).

Petitioner has not established, *and it does not appear that he has even asserted,* that either condition exists in this case. The circumstances of this case do not demonstrate an extraordinary situation, much less one where justice requires waiver of the rule.

The existence of an extraordinary situation:

Rule §1.67(c)(1) requires the inclusion of the mailing and residence address of an inventor on the oath or declaration.

Petitioner has requested that the residence address of the inventor be "sealed from public view," and has requested that the Office accept a declaration which does not list this information.

Petitioner has not explained why this request has been made. Petitioner has not set forth that the inventor is faced with an extraordinary situation. It is clear that the inventor does not wish for her residence address to be made public, however there does not appear to be anything extraordinary about her situation.

The question of whether justice requires the waiver of the rule:

Pursuant to Rule §1.67(c)(1), the residence and mailing address must be provided on the oath or declaration.

Petitioner has not asserted that justice requires the waiver of the rule. Furthermore, there does not appear to be any reason that the inventor cannot:

1. obtain a post office box,
2. submit a new declaration which lists her city and state as her residence, and the post office box address as her mailing address, and;
3. seek the expungement of the declaration which was submitted on February 12, 2007 via the filing of a petition pursuant to Rule §1.59(b), along with the requisite fee.

As such, an avenue exists by which Petitioner may escape this quandary, and as such, justice does not require that Rule §1.67(c)(1) be waived.

Conclusion

The petition under 37 C.F.R. §1.183 is **DISMISSED.**

Petitioner will note that should he elect to file a petition pursuant to Rule §1.59(b), the submission should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski. It may be submitted by mail[1], hand-delivery[2], or facsimile[3]. If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

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

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

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300 - please note this is a central facsimile number.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105-2482

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AUG 2 8 2007

OFFICE OF PETITIONS

In re Application of :
Enis A. Dengi et al. :
Application No. 11/601,573 : DECISION ON PETITION
Filed: November 17, 2006 : TO WITHDRAW
Attorney Docket No. 188122008600 : FROM RECORD
:

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 11, 2007.

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

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on May 16, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

T. Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **San Francisco Office of**
Novak, Druce & Quigg LLP
1000 Louisiana Street, 53rd
Houston, TX 77002

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BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE, SUITE 200
EAST PALO ALTO, CA 94303

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MAY 29 2008

OFFICE OF PETITIONS

In re Application of :
LAZARIDES, et al. :
Application No. 11/601,595 : DECISION ON PETITION
Filed: November 17, 2006 : TO WITHDRAW
Attorney Docket No. **GOUD-001** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 28, 2008.

The request is **APPROVED**.

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

The request was signed by Pamela J. Sherwood, Ph.D. 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: **ELIAS LAZARIDES**
7260 ROMERO DRIVE
LA JOLLA, CA 92037

cc: **JANET MCNICHOLAS, PH.D.**
BELL BOYD & LLOYD, LLP
70 W. MADISON STREET, SUITE 3100
CHICAGO, IL 60602-4207

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

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AUG 30 2007

OFFICE OF PETITIONS

In re Application of :
Enis A. Dengi, et al. :
Application No. 11/601,601 : DECISION ON PETITION
Filed: November 17, 2006 : TO WITHDRAW
Attorney Docket No. 188122006000 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 12, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on May 15, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: ROBERT E. SCHEID
NOVAK, DRUCE & QUIGG, LLP
SPEAR STREET TOWER – 35TH FLOOR
ONE MARKET PLAZA
SAN FRANCISCO, CAL 94105

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OKAMOTO & BENEDICTO, LLP
P.O. BOX 641330
SAN JOSE CA 95164

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MAY 04 2007

OFFICE OF PETITIONS

In re Application of
David L. Rand et al.
Application No. 11/601,604
Filed: November 17, 2006
Attorney Docket No. **10033.004520**

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

This is in response to the petition filed under 37 CFR 1.47(a) on April 2, 2007.

The petition is **GRANTED**.

The above-identified application was filed on November 17, 2006, but without the signatures of the inventors. Accordingly, a Notice to File Missing Parts was mailed December 12, 20067 requiring an executed oath or declaration.

In response, the instant petition and oath or declaration signed by all joint inventors except Scott D. Esters was filed and seeks status under 37 CFR 1.47 claiming Mr. Esters refuses to execute the declaration.

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

The petition bears proof that the application papers were sent to the non-signing inventor at his last known address and that on advice of counsel, he has not returned a signed copy and has verbally refused to sign the oath or declaration.

Petitioner is advised that the petition fee is $200, not $130 as is indicated on the transmittal and as such, petitioner's deposit account has been charged in the amount of$70, the difference between that which is due and that which was paid. Additionally, in order to extend the time period and to make the instant petition a timely and proper

response, a two month extension of time is needed. Per the authorization on the fee transmittal, petitioner's deposit account no. 50-2427 has been charged in the amount of $450 for a two month extension of time.

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

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN 2041 AU AUSTRALIA

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SEP 28 2007

OFFICE OF PETITIONS

In re Application of :
Berry, et al. : DECISION ON PETITION
Application No. 11/601,670 :
Filed: November 20, 2006 :
Attorney Docket No. CAA020US :

This is a decision on the petition to revive pursuant to 37 CFR 1.137(b), filed September 2, 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. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional fee is due for a renewed petition. This is **not** a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to timely reply to the Notice to File Corrected Application Papers, mailed December 8, 2006. This Notice set a period for reply of two months from the mailing date of the Notice to submit a substitute specification.

With the instant petition, applicants paid the petition fee and made the proper statement of unintentional delay. However, applicants have not submitted a substitute specification as required by the Notice to File Corrected Application Papers. Rather, applicants have only submitted a substitute page 125 of the specification.

On renewed petition, applicants must submit a substitute specification in full. The substitute specification must be 1 ½ or double spaced.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Berry, et al. : DECISION ON PETITION
Application No. 11/601,670 :
Filed: November 20, 2006 :
Attorney Docket No. CAA020US :

This is a decision on the renewed petition to revive pursuant to 37 CFR 1.137(b), filed October 16, 2007.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely reply to the Notice to File Corrected Application Papers, mailed December 8, 2006. This Notice set a period for reply of two months from the mailing date of the Notice to submit a substitute specification. No substitute specification having been received, the application became abandoned on February 9, 2006. A Notice of Abandonment was mailed on August 9, 2007. Applicants filed a petition to revive on September 2, 2007. However, the petition was dismissed in a decision mailed on September 28, 2007. Applicants had not submitted a substitute specification in full. Rather, applicants only submitted a copy of page 125 of the specification.

With the instant petition, applicants submitted a substitute specification. The other requirements for a grantable petition were previously fulfilled with the petition filed September 2, 2007.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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MILAN 20123 IT ITALY

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JUN 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Grunberger et al.	:	
Application No. 11/601,680	:	ON PETITION
Filed: November 20, 2006	:	
Attorney Docket No. 42880/AJ/lp	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 23, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology center AU 3677 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: Marcio Marc Abreu	: DECISION ON REQUEST FOR
Patent Number	: 7654957	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/601,686	: 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 **269** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 05/18/2010

Applicant : Marcio Marc Abreu
Patent Number : 7654957
Issue Date : 02/02/2010
Application No: 11/601,686
Filed : 11/20/2006

: 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 **358** 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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1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

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In re Application of Wu et al. :
Application No. 11/601,710 : Decision on Petition
Filing Date: November 20, 2006 :
Attorney Docket No. SUND 529 C1 :

This is a decision on the petition under 37 CFR 1.181, filed August 24, 2007, to withdraw the holding of abandonment.

The petition is **granted.**

The Office mailed a Notice to File Corrected Application Papers on December 14, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice.

A reply to the Notice was not matched with the file. As a result, a Notice of Abandonment was mailed August 16, 2007.

Petitioner contends a timely reply was filed on February 8, 2007. In support of the petition, petitioner has submitted a date-stamped postcard receipt, indicating a "Response to Notice to File Corrected Application Papers" was received by the USPTO on February 8, 2007.

The original reply to the December 14, 2006 Notice was not matched with the file and cannot be located. However, M.P.E.P. 503 states, "[a] postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded a reply to the Notice to File Corrected Application Papers was timely filed in the Patent and Trademark Office but not matched with the application file.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The Office of Patent Application Processing will be informed of the instant decision and will take steps to prepare the application for examination in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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HOWREY LLP-EU
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DR., SUITE 200
FALLS CHURCH, VA 22042

Mail Date: 04/21/2010

Applicant	: Marinus Hubrecht Van Liere	: DECISION ON REQUEST FOR
Patent Number	: 7640891	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/601,716	: 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 **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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OFFICE OF PETITIONS

PATENT DOCKET ADMINISTRATOR
LOWENSTEIN SANDLER PC
65 LIVINGSTON AVENUE
ROSELAND, NJ 07068

In re Application of :
Joseph H. Abel, et al. :
Application No. 11/601,724 : ON PETITION
Filed: November 20, 2006 :
Attorney Docket No. 16899-47 :

This is a decision on the petition under 37 CFR 1.137(b), filed by September 19, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts mailed December 11, 2006. The present petition is filed in response to a Notice of Incomplete Reply mailed August 7, 2007 and the Notice of Abandonment mailed August 21, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of substitute specification; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: DAVID TOMA
LOWENSTEIN SANDLER PC
65 LIVINGSTON AVENUE
ROSELAND, NJ 07068

UNITED STATES PATENT AND TRADEMARK OFFICE

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BASIL E. DEMEUR, KNECHTEL, DEMEUR & SAMLAN
7369 WEST NORTH AVENUE
RIVER FOREST, IL 60305

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SEP 0 4 2009

OFFICE OF PETITIONS

In re Application of :
Robert H. Myers Jr., et al :
Application No. 11/601,736 : DECISION ON PETITION
Filed: November 20, 2006 :
Attorney Docket No. 3132-2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 7, 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 abstract; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed April 20, 2007, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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7369 WEST NORTH AVENUE
RIVER FOREST IL 60305

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MAR 01 2010

In re Application of	:	
Robert H. MYERS JR., et al	:	
Application No. 11/601,736	:	DECISION ON PETITION
Filed: November 20, 2006	:	TO WITHDRAW
Attorney Docket No. 3132-2	:	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 December 17, 2009.

The request is **NOT APPROVED.**

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

The request cannot be approved because there is no indication that the acts noted above at items 2 and 3 have been performed

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 under 37 C.F.R 3.71.

In addition, the request to withdraw cannot be approved because the attorney of record was not designated through use of a registration number. The request to withdraw must be made using the same designation in which the attorney was appointed.

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.

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

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7369 WEST NORTH AVENUE
RIVER FOREST IL 60305

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MAR 01 2010

In re Application of :
Robert H. MYERS JR., et al :
Application No. 11/601,736 : DECISION ON PETITION
Filed: November 20, 2006 : TO WITHDRAW
Attorney Docket No. 3132-2 : 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 December 17, 2009.

The request is **NOT APPROVED.**

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

The request cannot be approved because there is no indication that the acts noted above at items 2 and 3 have been performed

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 under 37 C.F.R 3.71.

In addition, the request to withdraw cannot be approved because the attorney of record was not designated through use of a registration number. The request to withdraw must be made using the same designation in which the attorney was appointed.

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.

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

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OFFICE OF PETITIONS

BASIL E. DEMEUR, KNECHTEL, DEMEUR & SAMLAN
7369 WEST NORTH AVENUE
RIVER FOREST IL 60305

In re Application of	:	
Robert H. MYERS, JR. et al	:	
Application No. 11/601,736	:	DECISION ON PETITION
Filed: November 20, 2006	:	TO WITHDRAW
Attorney Docket No. 3132.2	:	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 March 22, 2010.

The request is **APPROVED**.

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

The request was signed by Basil E. Demeur on behalf of all the attorneys of record.

All the attorneys of record have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

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

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

cc: ROBERT H. MYERS, JR.
12251 MARTHA ANN DRIVE
LOS ALAMITOS, CA 90720

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
11/601,736	11/20/2006	Robert H. Myers JR.	3132-2

CONFIRMATION NO. 6682

POWER OF ATTORNEY NOTICE

BASIL E. DEMEUR, KNECHTEL,
DEMEUR & SAMLAN
7369 WEST NORTH AVENUE
RIVER FOREST, IL 60305

Date Mailed: 04/19/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/22/2010.

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

/dcgoodwyn/

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

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McDermott, Will & Emery, LLP
600 Thirteenth Street, NW
Washington, D.C. 20005-3096

In re Application of	:	**DECISION ON REQUEST TO**
KANNO *et. al.*	:	**PARTICIPATE IN PATENT**
Application No. 11601770	:	**PROSECUTION HIGHWAY**
Filed: November 20, 2006	:	**PILOT PROGRAM AND PETITION**
Attorney Docket No. 074782-0026	:	**TO MAKE SPECIAL UNDER**
For: DIFFERENTIAL TRANSMISSION LINE	:	**37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 16, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

As to requirement (1), the instant US application 11/601,770 claims priority to JP 2005-187663. Since the allowed JP application, JP 2006-522154 claims domestic priority to JP 2005-187663, and the claims of the instant US application correspond to the allowed claims of JP 2006-522154, the claims of JP 2006-522154 must have support in JP 2005-187663.

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Christine Oda at 571-272-1602.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

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

/C. Oda/
Christine Oda
TQAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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Ezra Sutton, Esq.
Plaza 9
900 Route 9
Woodbridge, NJ 07095

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OFFICE OF PETITIONS

In re Application of :
Edward Lewis Tobinick :
Application No. 11/601,799 :
Filed: November 17, 2006 :
Attorney Docket No. TOBINICK 3.0-028 :

DECISION GRANTING PETITION

This is responsive to the "Response to Notice of Incomplete Non-Provisional Application" filed January 22, 2007, which will be treated as petition under 37 CFR 1.53 to accord the subject application a filing date of November 17, 2006.

On November 17, 2006, the application was deposited.

On December 20, 2006, the Office of Initial Patent Examination mailed the Notice stating that no filing date had been accorded the application because drawings were not found with the original disclosure, but appeared to be required to understand the invention claimed. As to the drawings requirement, the Notice allowed a non-extendable period for response of two months from its mailing date. The instant petition was filed on January 22, 2007. Petitioner maintains that the application should be accorded a filing date of November 17, 2006, because drawings were not necessary to understand the invention claimed.

It has been determined that drawings are not necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). A review of the record reveals that Claims 1, 2, and 3 in the disclosure are method claims. Therefore, the application is deemed to be an application that does not require drawings for an understanding of the invention claimed. Accordingly, the application, as filed, was entitled to the filing date of November 17, 2006.

The replacement abstract filed January 22, 2007, is noted.

The application is being forwarded to the Office of Initial Patent Examination for issuance of a corrected filing receipt and for further processing with a filing date November 17, 2006, and an indication in Office records that no drawings were present on filing. Applicant should file a preliminary amendment before the first action on the merits requesting entry of the drawings.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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2100 Pennsylvania Avenue, N.W.
Washington DC 20037-3213

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MAR 13 2007

OFFICE OF PETITIONS

In re Application of :
Eubanks :
Application No. 11/601,815 : ON PETITION
Filed: November 20, 2006 :
Attorney Docket No. A9425 :
For: MULTICAST PEERING :

This is a decision on the petition, filed December 19, 2006, requesting withdrawal of the Notice of Omitted Items in a Nonprovisional Application, mailed December 13, 2006. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **DISMISSED**. Please submit any reconsideration petition within two months of the mail date of this decision.

The application was filed on November 20, 2006. On December 13, 2006, the Office of Initial Patent Examination mailed a Notice informing petitioner that page 33 of the specification appeared to have been omitted.

In response to the Notice, petitioner filed the present petition. Petitioner requests that page 33 be accorded a filing date of November 20, 2006 on the basis that 37 pages of specification were received in the Patent and Trademark Office (PTO) on November 22, 2006.

Unfortunately, the petition is incomplete. A copy of page 33 is present in the application file. However, the undersigned cannot locate the referenced copy of applicant's date stamped postcard receipt. Petitioner is requested to submit another copy of the date stamped postcard receipt along with evidence that it was submitted with the original petition on December 19, 2006.

The application file will be retained in the Office of Petitions until the date stamped postcard receipt is submitted.

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

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

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington DC 20037-3213

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OFFICE OF PETITIONS

In re Application of :
Eubanks :
Application No. 11/601,815 : ON PETITION
Filed: November 20, 2006 :
Attorney Docket No. A9425 :
For: MULTICAST PEERING

This is a decision on the reconsideration petition, filed March 22, 2007, requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed December 13, 2006.

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

The application was filed on November 20, 2006. On December 13, 2006, the Office of Initial Patent Examination mailed a Notice informing petitioner that page 33 of the specification appeared to have been omitted.

In response to the Notice, petitioner filed the present petition. Petitioner requests that page 33 be accorded a filing date of November 20, 2006 on the basis that 37 pages of specification were received in the Patent and Trademark Office (PTO) on November 22, 2006.

In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing November 20, 2006 as the date of receipt. The postcard lists that the filing included, *inter alia*, 37 pages of specification/abstract. A review of the application file reveals that there are 36 pages present.

The return postcard constitutes *prima facie* evidence that 37 pages of specification/abstract, including missing page 33, were filed on November 20, 2006. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioner's authorization, the $400.00 fee submitted with the instant petition will be credited to deposit account no. 19-4880.

The application is being returned to Office of Initial Patent Examination for further processing,

with a filing date of **November 20, 2006**, using the copy of page 33 supplied with the December 19, 2006 petition.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON DC 20037-3213

In re Application of: EUBANKS, Thomas
Application No. 11/601815
Filed: November 20, 2006
For: MULTICAST PEERING

DECISION SUA SPONTE WITHDRAWING HOLDING OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

This application is held abandoned for failure to timely file a proper response following a Requirement for Election/Restriction mailed 2 June 2009 within the expiration of the period for reply. A Notice of Abandonment was mailed on 5 Jan 2010.

A review of the file record indicates on 2 December 2009, applicant filed (1) a Response to Election/Restriction, (2) a petition for five (5) month extension of time, and (3) an Electronic Acknowledgement Receipt. The filing of the response on 2 December 2009 was timely. Thus, the Notice of Abandonment mailed 28 Jan 2010 was premature.

Although no petition or request to withdraw the holding of abandonment in this application has been filed, the holding of **Abandonment** is hereby **withdrawn**.

The application file is being forwarded to the Technology Center support staff to process the response to the Restriction Requirement mailed 2 December 2009. From there, the applicant will be forwarded to examiner for appropriate action.

/Kim Huynh/

Kim Huynh,
Workgroup QAS, Technology Center 2400
Network, Multiplexing, Cable and Security
571-272-4147

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.
10/601,815	06/23/2003	Wolfgang Franz Eckl	8-20-3	9847

7590 03/08/2010

Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

EXAMINER	
HANNON, CHRISTIAN A	
ART UNIT	**PAPER NUMBER**
2618	

MAIL DATE	DELIVERY MODE
03/08/2010	PAPER

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

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

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2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON DC 20037-3213

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JUN 2 8 2010

OFFICE OF PETITIONS

In re Application of :
EUBANKS, Thomas M. :
Application No. 11/601,815 : DECISION ON PETITION
Filed: November 20, 2006 : TO WITHDRAW
Attorney Docket No. **A9425** : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 08, 2010.

The request is **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 Richard Turner on behalf of all attorneys of record who are associated with customer No. 23373. All attorneys/agents associated with the Customer Number 23373 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 Marshall Eubanks 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: **MR. MARSHALL EUBANKS**
MULTICAST TECHNOLOGIES, LLC.
7243 ARCHLAW DRIVE
CLIFTON VA 20124

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Paper No: __

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OFFICE OF PETITIONS

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re Application of
Forssmann :
Application No. 11/601,848 : DECISION ON PETITION
Filed: 20 November, 2006 :
Attorney Docket No. P60448US2 :

This is a decision on the petition filed on 14 May, 2007, and considered under 37 C.F.R. §1.53.

The Office regrets the delay in addressing the matter—the petition was presented to the attorneys in the Office of Petitions only at this writing.

For the reasons set forth below, the petition under 37 C.F.R. §1.53 is **GRANTED**.

BACKGROUND

The instant application was deposited on 20 November, 2006

On 12 March, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Nonprovisional Application in that the application had been deposited without a specification (description, claims, abstract), and thus, the application had not been accorded a filing.

OIPE indicated that Petitioner might:

- contend via petition that the specification (description, claims, abstract) had been submitted on deposit and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the specification; or

- submit the specification, and accept the date of submission as the filing date.

OIPE set a two- (2-) month period for reply.

On 14 May, 2007, Petitioner submitted the instant petition, including therewith, *inter alia*, what is averred to be a true copy of the date-stamped (("NOV 20 2006") receipt card and of the specification (description, claims, abstract) and five sheets of informal drawings as deposited on 20 November, 2006.

ANALYSIS

A search of the official file reveals that:

- on 20 November, 2006, Petitioner deposited the instant application;

- the Office record reflects that Fig. 2, described in the specification, was missing upon deposit.

- the date-stamped ("NOV 20 2006") receipt card evidences—in pertinent part–the following:

* * *

> Received in the U.S. Patent & Trademark Office on the date stamped hereon are:
> X 15 page Application, including:
> Specification and 8 Claims
> X Abstract X Sequence Listing
> X Drawings – 5 Sheets _ Formal X Informal (Emphasis the original)

* * *

Because Petitioner's receipt card adequately itemized on the receipt card the contents of the application as to the pages deposited, it is concluded that the application, including 15 pages of

specification (description, claims, abstract), was deposited with the Office on 20 November, 2006, and specification and drawings, subsequently were misplaced in the Office.

Accordingly, the application, including 15 pages of specification (description, claims abstract) and 5 sheets of informal drawings are entitled to a filing date of 20 November, 2006.

The Notice mailed on 12 March, 2007, was sent in error and is hereby **vacated** to the extent that it stated that the application was not accord a filing date because it was deposited without the specification (description, claims, abstract) and drawings.

CONCLUSION

The petition is **granted**; the petition fee waived and is to be refunded via credit card refund.

This application is released to OIPE for further processing with a filing date of 20 November, 2006, for the entire application including 15 pages of specification (description, claims, abstract), and 5 sheets of drawings, described in the specification, using:

- **the preliminary amendment filed on 20 November, 2006; and**
- **pages 1 – 15 of the specification (description, claims, abstract) and 5 sheets of drawings (Figs. 1, 3 – 7) deposited on 14 May, 2007; and further**

with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 20 November, 2006, and reflecting therein that 15 pages of specification (description, claims, abstract) and 5 sheets of drawings were present on filing.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

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

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

§1.2 Business to be transacted in writing.

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

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JUN 03 2009

OFFICE OF PETITIONS

SoCAL IP LAW GROUP LLP
310 N. WESTLAKE BLVD., SUITE 120
WESTLAKE VILLAGE, CA 91362

In re Application of	:	
Norberto A. Guzman	:	
Application No. 11/601,855	:	DECISION ON PETITION
Filed: November 17, 2006	:	TO WITHDRAW
Attorney Docket No. P015-P08162US	:	FROM RECORD
	:	

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 28, 2009.

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

A review of the file record indicates that the power of attorney to SoCal IP Law Group, LLP has been revoked by the assignee of the patent application on May 6, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **INTELLECTUAL PROPERTY**
LAW OFFICE OF JOEL VOELZKE
24772 SADDLE PEAK ROAD
MALIBU, CA 90265

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SOCAL IP LAW GROUP LLP
310 N. WESTLAKE BLVD
SUITE 120
WESTLAKE VILLAGE CA 91362

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MAR 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Norberto A. Guzman	:	
Application No. 11/601,856	:	DECISION ON PETITION
Filed: November 17, 2006	:	TO WITHDRAW
Attorney Docket No. P015-P08175US	:	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 28, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Steven Sereboff does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

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

cc: DOUGLAS N. LARSON
24772 SADDLE PEAK ROAD
MALIBU, CA 90256-3042

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MAIL

KEVIN J. MACK
112 MAPLE LN
E. PALO ALTO CA 94303

JAN 07 2010
DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
MACK, KEVIN JAMES, et al.
Application Serial No.: 11/601,869
Filed: November 20, 2006
For: **WIRELESS DISPLAY**

DECISION
ON PETITION

This is a decision on the petition requesting withdrawal of the final action, filed October 19, 2009, pursuant to 37 CFR § 1.181.

Petitioner alleges that the examiner erred in holding the Office action mailed October 13, 2009 final and requests withdrawal of finality of the Office action. Petitioner argues that the Office has expressly and erroneously misinterpreted applicants' amended claims, and as a result, failed to consider the patentability arguments presented in applicants' July 31, 2009 amendment.

A review of the file record reveals that a non-final Office action was mailed on July 28, 2009 rejecting: claims 1, 3-16, 19-20 as being anticipated by Huang et al.; and claim 2 as being unpatentable over Huang et al in view of Kanamaluru et al..

On July 31, 2009, applicants filed an amendment which amended claims 1-9, 11-16 and 19-20 and withdrew claims 17-18.

On October 13, 2009, a final Office action was mailed rejecting claims 1, 3, 5-16, 19-20 as being anticipated by Li et al.; claim 2 as being unpatentable over Li et al in view of Kanamaluru et al.; and claim 4 as being unpatentable over Li et al. in view of Yamasaki.

The amendment filed July 31, 2009 amended and altered the scope of the independent claims. Thus, the new grounds of rejection in the final Office action mailed October 13, 2009, was necessitated by applicants' amendment and in accordance with MPEP 706.07(a) the action was appropriately made final.

Petitioner's argument that the Office expressly and erroneously misinterpreted applicants' amended claims and thus failed to consider the patentability arguments presented in the amendment filed July 31, 2009, is not a petitionable matter, but is one for appeal. That is, are the claims properly rejectable under the merits of the evidence provided? The question raised here is not one of formality as to whether the finality is pre-mature or faulty on other formal grounds, but rather, whether or not the rejection is sustainable in view of the merits of the evidence and explanation of record.

Accordingly, the petition to withdraw finality is **DENIED**.

The three months shortened statutory period for response set forth in the final Office action mailed October 13, 2009 continues to run.

Andrea Wellington, Acting Director
Technology Center 2600
Communications

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GLEN F. GALLINGER
7420 MILNER DR.
#1000
COLORADO SPRINGS, CO 80920

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APR 0 2 2007

OFFICE OF PETITIONS

In re Application of	:	
Eugene R. Bath	:	
Application No. 11/601,871	:	DECISION ON PETITION
Filed: November 20, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. CLOCK.SET	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 3, 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 applicant's birth certificate and driver's license. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2833 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Oct. 10, 2008

TO SPE OF : ART UNIT 2891
SUBJECT : Request for Certificate of Correction for Appl. No.: 11/601883 /7423338

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

FOR IFW FILES: Column 8, line 37, Claim 16

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: _____

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

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JUL 0 6 2007

OFFICE OF PETITIONS

In re Application of :
Howard Andrew Heller :
Application No. 11/601,891 : DECISION ON PETITION
Filed: November 20, 2006 : TO WITHDRAW
Attorney Docket No. 2479-2037-001 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 10, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Hamilton, Brook, Smith & Reynolds, PC has been revoked by the assignee of the patent application on May 2, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

Mail Date: 04/21/2010

Applicant	: William Holmes	: DECISION ON REQUEST FOR
Patent Number	: 7657344	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/601,898	: 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 **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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JUL 06 2007

OFFICE OF PETITIONS

KENNETH SHELLER
30 WEST 15TH STREET 11-S
NEW YORK, NY 10011

In re Application of :
Kenneth SHELLER :
Application No. 11/601,916 : DECISION ON PETITION
Filed: November 20, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 7, 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 applicant's driver license. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

April Wise
Petitions Examiner
Office of Petitions

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JUL 23 2008

OFFICE OF PETITIONS

LOWRIE, LANDO & ANASTASI, LLP
ONE MAIN STREET, SUITE 1100
CAMBRIDGE MA 02142

In re Application of :
Alex Warburton, et al :
Application No. 11/601,923 : DECISION GRANTING PETITION
Filed: November 20, 2006 :
Attorney Docket No. B2010-700019 :

This is a decision on the petition filed January 28, 2008, requesting that the above-identified application be accorded a filing date of November 20, 2006, instead of the presently accorded date of November 21, 2006.

The petition is **GRANTED**.

Petitioner alleges that the application was deposited in "Express Mail" service with the U.S. Postal Service, on November 20, 2006. In support, petitioners provide, inter alia, a copy of the Express Mail label, receipt no. EV 307785045 US. The same Express Mail receipt number was referred to in the transmittal letter found in the file. It is noted that while the "date in" on the copy of the Express Mail label includes a hand written date of "11/21/06", it also includes a "USPS" receipt stamp dated November 20, 2006.

In view of the conflicting dates on the mailing label, restoration of the USPS Track/Confirm record for Express Mail Label No. EV 307785045 US was requested. The record corroborates acceptance of the "Express Mail" package in question at the Cambridge MA 02142 USPS at 4:48pm on November 20, 2006.

The $400 petition fee is being credited to counsel's deposit account as requested.

The application is being referred to the Office of Patent Application Processing (OPAP) for correction of the filing date to **November 20, 2006** and issuance of a corrected filing receipt.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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DAN M. DE LA ROSA. ESP.
SUITE 24C
300 E 77TH STREET
NEW YORK, NY 10021

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MAR 14 2007

OFFICE OF PETITIONS

In re Application of :
Wei-Tai Young, et al. :
Application No. 11/601,931 : DECISION ON PETITION
Filed: November 17, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. P-0078-US : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 11, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 1723 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, WILLIS TOWER
CHICAGO IL 60606-1080

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OCT 16 2009

OFFICE OF PETITIONS

In re Application of :
Michael E. Ashenhurst :
Application No. 11/601,935 : DECISION GRANTING PETITION
Filed: November 20, 2006 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 12000053-0007-002 :

This is a decision on the petition, filed August 19, 2009, 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 March 31, 2009. 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 January 21, 2010 accompanies this decision on petition.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office. It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. While, a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

This application is being forwarded to Technology Center Art Unit 4193 for examination in due course.

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Tim E. Webb
1000 Canterra Tower, 400 Third Avenue S.W.
Calgary, AB Canada T2P 4H2

ATTACHMENT: Notice Regarding Rescission of Nonpublication

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/601,935	11/20/2006	Michael E. Ashenhurst	12000053-0007-002

CONFIRMATION NO. 6533

26263
SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, WILLIS TOWER
CHICAGO, IL 60606-1080

NONPUBLICATION RESCISSION LETTER

Date Mailed: 10/15/2009

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 01/21/2010.

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

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

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

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

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

/jolszewski/

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

DATE 2/1/08 APPLICATION NUMBER 11/601,937

DOC CODE Pet. Dec. OPAP DOC DATE _____

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

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Zecurity, LP
31503 Capella Circle
Tomball TX 77375

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FEB 0 4 2008

OFFICE OF PETITIONS

In re Application of :
VICTOR BRYAN FRIDAY :
Application No. 11/601,937 : DECISION ON PETITION
Filed: 11/20/2006 :
Title: SECURE DATA TRANSMISSION :
UTILITY SYSTEM. :

This is a decision on the petition filed October 23, 2007, to withdraw the holding of abandonment for the above-identified application.

On December 27, 2006, the Office mailed a Notice to File Corrected Application Papers, which set a period of two months from the mail date of the Notice within which to correct the informalities. Extensions of time were available under 37 CFR 1.136(a). In the absence of a timely filed response, the Office mailed a Notice of Abandonment on August 31, 2007.

In the present petition, applicant, acting in a pro se capacity, requests that the Office withdraw the holding of abandonment due to non-receipt of the Notice to File Corrected Papers.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the Notice to File Corrected Application, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice to File Corrected Application Papers was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice to File Corrected Application Papers was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement by pro se applicant, stating that the applicant did not receive the Office communication and attesting to the fact that a search of applicant's records indicates that the Office communication was not received. A copy of the applicant's record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in applicant's statement. See MPEP 711.03(c)(I)(A). For example, if a three-month period for reply was set in the non-received Office communication, a copy of the records showing all replies docketed for a date three months from the mail date of the non-received Office communication must be

submitted as documentary proof of non-receipt of the Office communication. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail (*e.g.* if the applicant has a history of not receiving Office communications).

After reviewing the documents submitted on petition, the Office concludes that the showing of record is sufficient to warrant withdrawal of the holding of abandonment. The pro se applicant submitted a copy of his Mail Spreadsheet Log where the Notice to File Corrected Application Papers would have been entered had it been received and docketed. Additionally, pro se applicant explained the manner in which he receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Applicant attested to the fact that a search of his records indicated that the Notice to File Corrected Application Papers was not received. Accordingly, applicant presented the required showing under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**. No petition fee is required.

The Office acknowledges receipt of the reply to the outstanding Notice to File Corrected Application Papers submitted with this petition on October 23, 2007.

The Office of Patent Application Processing (OPAP) has been advised of this decision. The matter is being referred to OPAP for further processing of the application.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MADAN, MOSSMAN & SRIRAM, P.C.
2603 AUGUSTA DRIVE
SUITE 700
HOUSTON TX 77057-5662

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APR 10 2008

OFFICE OF PETITIONS

In re Application of :
Stanislav W. Forgang et al :
Application No. 11/601,961 : DECISION GRANTING PETITION
Filed: November 20, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 594-35830-USCP :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 9, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 3, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2862 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRUCE E. WEIR
12 SPARROW VALLEY COURT
MONTGOMERY VILLAGE MD 20886-1265

COPY MAILED

JUN 20 2007

OFFICE OF PETITIONS

In re Application of :

BREWER, Christopher :
Application No. 11/601,978 : DECISION ON PETITION
Filed: November 20, 2006 : TO WITHDRAW
Attorney Docket No. **0233** : FROM RECORD
:

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 19, 2007.

The request is **APPROVED**.

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

The request was signed by Bruce E. Weir on behalf of all attorneys of record who are associated with customer No. 32366. 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 Christopher Brewer at the address indicated below.

There are no outstanding office actions at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **CHRISTOPHER BREWER**
410 HOMESTEAD ROAD
LAVINA, MT 59046

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/601,978	11/20/2006	Christopher Brewer	0233

CONFIRMATION NO. 8111

OC000000024302745

32366
BRUCE E. WEIR
12 SPARROW VALLEY COURT
MONTGOMERY VILLAGE, MD 20886-1265

Date Mailed: 06/11/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/19/2007.

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

Michelle L. Esser

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

MAR 19 2007
PATENT & TRADEMARK OFFICE

SFW

PTO/SB/83 (01-06)
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	11/601,978
Filing Date	11/20/2006
First Named Inventor	Christopher BREWER
Art Unit	3745
Examiner Name	
Attorney Docket Number	0233

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

Please withdraw me as attorney or agent for the above identified patent application, and

☐ all the attorneys/agents of record.

☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or

☑ the attorneys/agents associated with Customer Number 32366

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: The inventor has ceased to pay his bills and is unresponsive to communication attempts. Notification of this withdrawal has been sent to the inventor along with all papers. No Office action has yet been received in this matter.

CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☑ Change the correspondence address and direct all future correspondence to:

☐ The address associated with Customer Number:

OR

☑ Firm *or* Individual Name	Christopher Brewer				
Address	410 Homestead Road				
City	Lavina	State	MT	Zip	59046
Country	USA				
Telephone	406-208-2721	Email	cbrewer@hotmail.com		
Signature	Bruce E. Weir				
Name	Bruce E. Weir	Registration No.	48,191		
Date	03-16-2007	Telephone No.	301-977-6009		

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/602,003	11/20/2006	Jang-keun Oh	0003259USU/3062	7996

7590 07/01/2008

Paul D. Greeley
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford, CT 06901-2682

EXAMINER	
LE, MARK T	

ART UNIT	PAPER NUMBER
3617	

MAIL DATE	DELIVERY MODE
07/01/2008	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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/602,003	11/20/2006	Jang-keun Oh	0003259USU/3062	7996

7590 07/01/2008

Paul D. Greeley
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford, CT 06901-2682

EXAMINER	
LE, MARK T	

ART UNIT	PAPER NUMBER
3617	

MAIL DATE	DELIVERY MODE
07/01/2008	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: 07/07/2008 DTERRY
11/22/2006 SFELEKE1 00000007 11602003
02 FC:1111 -500.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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ROSS WORDHOUSE
523 NW FLAGLINE RD
BEND OR 97701

COPY MAILED

DEC 1 1 2009

OFFICE OF PETITIONS

In re Application of :
Ross Wordhouse :
Application No. 11/602,025 : ON PETITION
Filed: November 20, 2006 :
Title: Adhesive Based Digital :
Single Lens Reflex Camera Sensor
Cleaner

This is in response to the letter filed March 23, 2009, requesting that future correspondence in the application be directed to the above-named inventor.

The request is **GRANTED.**

Attorney Kathryn Pratt has explained that the attorney appointed with the power of attorney on the declaration, Glenn Brown, has resigned from the Oregon State Bar and closed his law practice. In support thereof, Pratt has included a copy of Brown's resignation, and the Oregon State Bar's order accepting resignation. Pratt further explains that she became a custodian of Brown's files as an agent of the Oregon State Bar Professional Liability Fund, and requests that all future correspondence be directed to the inventor, until such time as the inventor appoints a new agent or attorney of record.

Office records have been changed to reflect the change in the correspondence address. Future correspondence concerning this application will be directed to the above address until such time as appropriate instructions are received to the contrary.

The application is being forwarded to Group Art Unit 3723 for examination in due course.

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

Cliff Congo
Petitions Attorney
Office of Petitions

cc: Pratt Law Office LLC
18292 SW Santoro Drive
Beaverton, Oregon 97007

UNITED STATES PATENT AND TRADEMARK OFFICE

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BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

RECEIVED

DEC 23 2008

OFFICE OF PETITIONS

In re Application of :
Robert J. Freishtat :
Application No. 11/602,037 : DECISION ON PETITION
Filed: November 21, 2006 :
Attorney Docket No.130866-00101 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 24, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment Office action mailed, February 20, 2008, which set a shortened statutory period for reply of one (1) month or thirty (30) days whichever is longer. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 21, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

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

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

This application is being referred to Technology Center AU 1648 for appropriate action by the Examiner in the normal course of business on the reply received.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICE OF MICHELE HOLDEN
212 N. 4TH STREET
SUITE 7
KINGMAN, AZ 86401

COPY MAILED

NOV 0 6 2008

OFFICE OF PETITIONS

In re Application of :
Donald A. Medina et al. :
Application No. 11/602,086 : DECISION ON PETITION
Filed: November 20, 2006 : TO WITHFRAW
Attorney Docket No. MED-001 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR 1.36(b) filed October 12, 2007.

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

A review of the file record indicates that the power of attorney to Michele Holden has been revoked by the applicant of the patent application on June 23, 2008. 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: Don A. Medina
P.O. Box 3671
Lake Havasu City AZ 86405-3671

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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DON A. MEDINA
P.O. BOX 3671
LAKE HAVASU CITY AZ 86405-3671

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SEP 23 2009

OFFICE OF PETITIONS

In re Application of :
Medina et al. :
Application No. 11/602,086 : ON PETITION
Filed: November 20, 2006 :
Attorney Docket No. MED-001 :

This is a decision on the petition under 37 C.F.R. § 1.137(a), filed July 6, 2009, to revive the above-identified application. In view of the allegation in the petition of the non-receipt of the Office action, the petition will be considered under 37 CFR 1.181 requesting the withdrawal of the holding of abandonment in the above-identified application.

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

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

On December 5, 2008, the Office mailed a non-final Office action, which set a three month shortened statutory period to reply. The application became abandoned on March 6, 2009, for failure to submit a timely response to the non-final Office action. On June 17, 2009, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to nonreceipt of the non-final Office action. Specifically, petitioner states, "the complete absence of reply was unavoidable as no such correspondence was ever received by me."

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the non-final Office action, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the non-final Office action of December 5, 2008, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable

period after December 5, 2008, to demonstrate nonreceipt of the non-final Office action. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to an Office action, and where petitioner would have entered the receipt date of the Office action had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Office action, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the non-final Office action was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after December 5, 2008; the period when he would have received the non-final Office action.

In the present petition, petitioner did not submit any statements, documentary evidence, or an explanation of his method for tracking due dates for filing responses to communications from the USPTO to show he did not receive the non-final Office action. Therefore, the petition to withdraw the holding of abandonment is **dismissed**. A copy of the non-final Office action accompanies this decision for petitioner's convenience.

ALTERNATIVE VENUE

If petitioner cannot provide the evidence requested above, or simply does not wish to, petitioner should notify the Office to consider the petition to revive under 37 CFR 1.137(a) filed July 6, 2009.

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

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
>
> (2) The petition fee as set forth in 37 CFR 1.17(m), **$270.00 for a small entity**;
>
> (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable. The Director may require additional information where there is a question whether the delay was unavoidable.

If petitioner wishes for the petition under 37 CFR 1.137(a) to be considered instead of filing a request for reconsideration, petitioner must comply with the above items and submit the $270.00 petition fee. No consideration on the merits can be given to the petition until the required fee is received.

Further, the petition must be signed by:

(1) An attorney or agent of record appointed in compliance with § 1.34(b);
(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
(3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
(4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undividing part interest; or

(5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

The instant petition was only signed by one of the two listed inventors. Any future petitions should be signed by both inventors.

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

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

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

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

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

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Non-final Office action (previously mailed December 5, 2008)

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.
11/602,086	11/20/2006	Donald A. Medina	MED-001	7731

7590 12/05/2008

Don A. Medina
P.O. Box 3671
Lake Havasu City, AZ 86405-3671

EXAMINER	
TWEEL JR, JOHN ALEXANDER	
ART UNIT	PAPER NUMBER
2612	
MAIL DATE	DELIVERY MODE
12/05/2008	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	11/602,086	MEDINA ET AL.	
	Examiner	Art Unit	
	John A. Tweel, Jr.	2612	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-18* is/are allowed.

6)☒ Claim(s) *19-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 November 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/12/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Nos. 30, 32, 34, and 88. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: No. 86. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should

include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

- Paragraph 9, Line 1: The word "transmitted" should be replaced with --transmitter--.
- Paragraph 13, Line 3: The word "or" is not needed after the word "installed".
- Paragraph 13, Lines 7-8: The phrase "includes a" has been repeated.
- Paragraph 13, Line 7: The specification states that the receiver unit is No. 2; however, Figure 1 depicts the receiver as No. 4.
- Paragraph 18, Line 4: The correct article before "automobile" should be --an--.
- Paragraph 23, Lines 3-7: The reference numbers in this paragraph do not match those found in Figure 3. Specifically, the left directive No. 43 in the specification is numbered 45 in Figure 3. Also, the stop directive No. 45 is numbered 43 in the same figure.
- Paragraph 25, Line 6: The phrase "(not shown)" is not needed as the receiver No. 88 can be seen in Figure 5.

- Paragraph 26, Line 1: The first instance of the word "the" is not needed.
- Paragraph 26, Line 8: A verb such as --be-- is needed before "collocated".
- Paragraph 28, Line 4: A word --be-- is needed before "the same receiver".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 19, 23, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by **Jones** [U.S. 3,995,251].

For claim 19, the apparatus taught by Jones includes the following claimed subject matter, as noted, 1) the claimed sensor means is met by the float (No. 100) and rocker arm (No. 90) for detecting a water depth, 2) the claimed receiver unit is met by the horn (No. 60), and 3) the claimed transmitter unit is met by the contacts (Nos. 130 and 140) in the sealed chamber (No. 170), wherein when the sensor means detects that it is submerged in water a signal is transmitted to the receiver to indicate a water depth of the boat trailer.

For claim 23, the transmitter unit of Jones is collocated with the sensor unit.

For claim 27, the sensor means of Jones comprises a float (No. 100) and lever (No. 90).

6. Claims 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by **Barrows** [U.S. 5,515,025].

For claim 19, the apparatus taught by Barrows includes the following claimed subject matter, as noted, 1) the claimed sensor means is met by the floating element (No. 20) and pin (No. 24) for detecting a water depth, 2) the claimed transmitter is met by the two bolts (Nos. 34 and 50) which form a circuit upon detection of a water depth, and 3) the claimed receiver is met by the control mechanism (No. 40), wherein when the sensor means detects that it is submerged in water a signal is transmitted to the receiver to indicate a water depth of the trailer.

For claim 20, Figures 3 and 4 depict the apparatus attached to a boat trailer.

For claim 21, the contacts (No. 32) of Barrows can be mounted within the tube (No. 12) in an adjustable manner so that the contact switch may be raised or lowered within the tube.

Claim Rejections - 35 USC § 103

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

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

8. Claims 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Barrows**.

For claim 22, the apparatus of Barrows does not explicitly state that the transmitter and sensor are connected using a wire; however, wires have been used in electrical connections since the advent of electricity. The inclusion of one as an electrical connection is not considered a patentable innovation and is therefore considered an obvious variation on the prior art.

For claim 24, the sensor means of Barrows is mounted on the side of the trailer. The exact location of the transmitter is a matter best left to the user of the alerting system and is considered an obvious variation of the prior art.

9. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Barrows** as applied to claim 19 above, and further in view of **McCoy et al** [U.S. 5,209,112].

For claim 25, the sensor of Barrows is not an oxygen sensor. However, oxygen sensors have been used to sense water for some time, as seen in the apparatus taught by McCoy (No. 76). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an oxygen sensor for the purpose of using a well known and common water sensing apparatus.

For claim 26, the McCoy reference also includes a pressure transducer (No. 74).

10. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Barrows** in view of **Markfelt** [U.S. 3,909,948].

For claim 28, the apparatus of Barrows does not include an electronic water depth sensor. However, electronic water level indicators have been used to sense the depth of water as seen in the reference of Markfelt. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an electronic depth sensor for the purpose of using a well known and common water sensing apparatus.

11. Claims 1-18 are allowed.

12. The following is a statement of reasons for the indication of allowable subject matter:

There have been trailer guides in the prior art, such as the guide taught by **Hernandez** [U.S. 5,097,250]. However, the prior art does not teach a transmitter unit including a plurality of predefined directives coupled with a receiver unit including a plurality of indicator means wherein the activation means corresponding to a right directive results in the indicator means corresponding to the left directive being activated in the receiver unit and vice versa.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dove [U.S. 3,585,582] has a housing attached to the axle of a boat trailer.

Smith [U.S. 4,008,466] mounts an angular indicator on a towing vehicle.

Fryer et al [U.S. 4,972,705] detects the presence of a liquid level using a pressure sensor.

Thompson [U.S. 5,719,552] illuminates an area proximate a trailer.

Kendall [U.S. 5,247,442] determines the ball angle between a tractor and trailer during backing.

Yielding [U.S. 5,850,175] is a water level detector having an inner chamber.

Woodard [U.S. 5,949,329] includes an array of indicator lamps which signals correct longitudinal alignment.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 571 272 2969. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571 272 2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAT
12/3/08

/John A. Tweel, Jr./
Primary Examiner, Art Unit 2612

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

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JAN 05 2010

OFFICE OF PETITIONS

In re Application of :
Donald A. Medina et al. :
Application No. 11/602,086 : DECISION ON PETITION
Filed: November 20, 2006 :
Attorney Docket No. MED-001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 6, 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 5, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 6, 2009.

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.

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

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

This application is being referred to Technology Center AU 2612 for appropriate action by the Examiner in the normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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MEDTRONIC
ATTN: NOREEN JOHNSON – IP LEGAL DEPARTMENT
2600 SOFAMOR DANEK DRIVE
MEMPHIS TN 38132

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FEB 0 1 2010

In re Application of	:	
Boden et al.	:	
Application No. 11/602,120	:	DECISION ON PETITION
Filed: November 20, 2006	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 48170.00097/PC681.23	:	

This is a decision on the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed October 7, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED**.

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

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

The instant nonprovisional application was filed on November 20, 2006 and was pending at the time of filing of the instant petition. A reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii).

The intermediate nonprovisional application was filed within twelve months of the filing date of the prior-filed provisional application, Application No. 60/456,551, which was filed on March 24, 2003, for which priority is claimed.

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). *See* 35 U.S.C. § 120 and § 119(e). Accordingly, having found that the instant petition satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) for acceptance of an unintentionally delayed claim for priority under 35 U.S.C. § 120 and § 119(e), the petition to accept an unintentionally delayed claim of benefit to the prior-filed applications is granted.

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

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

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.

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-3206.

This matter is being referred to Technology Center Art Unit 1632 for appropriate action on the amendment submitted October 7, 2009, including consideration by the examiner of the claim under 35 U.S.C. § 120 and 37 CFR 1.78(a)(2) for the benefit of the prior-filed application, and for consideration of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Gerald P. Norton
Fox Rothschild LLP
997 Lenox Drive, Building 3
Lawrenceville, NJ 08648-2311

cc: **ATTACHMENT**: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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
11/602,120	11/20/2006	1632	7040	48170.00097/PC681.23	63	7

CONFIRMATION NO. 8117

CORRECTED FILING RECEIPT

67676
Medtronic
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
Memphis, TN 38132

Date Mailed: 02/01/2010

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)

Scott D. Boden, Atlanta, GA;
Sreedhara Sangadala, Dallas, GA;

Power of Attorney: The patent practitioners associated with Customer Number 29880

Domestic Priority data as claimed by applicant

This application is a CIP of 10/292,951 11/13/2002
which claims benefit of 60/331,321 11/14/2001
This application 11/602,120
is a CIP of 10/806,915 03/23/2004
which claims benefit of 60/456,551 03/24/2003

Foreign Applications

If Required, Foreign Filing License Granted: 02/05/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/602,120**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Chimeric osteogenic factor containing proteins capable of increased nuclear localization and methods of use thereof

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

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

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

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

NOT GRANTED

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

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Daphne L. Burton
Suite 1400
2029 Century Park East
Los Angeles, CA 90067

MAILED

MAR 18 2010

OFFICE OF PETITIONS

In re Application of	:	
Lee Watters, et al.	:	
Application No. 11/602,125	:	DECISION ON PETITION
Filed: November 20, 2006	:	TO WITHDRAW
Attorney Docket No. 010001- 011	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 26, 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 Daphne L. Burton 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 Daphne L. Burton at the address indicated below.

There is an outstanding Office action mailed March 2, 2010 that requires a reply from the applicant.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Lee and Karen Watters**
1907 Oak Grove Circle
Jacksonville Beach, FL 32250

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/602,125	11/20/2006	Lee Watters	010001- 011

CONFIRMATION NO. 7953

Daphne L. Burton
Suite 1400
2029 Century Park East
Los Angeles, CA 90067

POWER OF ATTORNEY NOTICE

OC000000040666993

Date Mailed: 03/17/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/26/2009.

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

/tsjohnson/

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

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K & A Associates
Suite 233
1407 Foothill Boulevard
La Verne, CA 91750

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APR 0 7 2008

OFFICE OF PETITIONS

In re Application of
Lawrence M. Logsdon
Application No. 11/602,126
Filed: November 20, 2006
Attorney Docket No. 1100-5012

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 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 Kenneth W. Float on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

The correspondence address has been changed and is copied below.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Lawrence M. Logsdon
Tropical Functional Labs
7111 Arlington Avenue
Ste. F
Riverside, CA 92503

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/602,126	11/20/2006	Lawrence M. Logsdon	1100-5012

CONFIRMATION NO. 7955

POWER OF ATTORNEY NOTICE

K&A Associates
Suite 233
1407 Foothill Blvd.
La Verne, CA 91750

Date Mailed: 04/04/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/12/2008.

- 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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Lawrence M. Logsdon
Tropical Functional Labs
7111 Arlington Avenue
Suite F
Riverside CA 92503

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Logsdon : DECISION ON PETITION
Application No. 11/602,126 :
Filed: November 20, 2006 :
For: THERAPEUTIC JUICE :
COMPOSITION FOR WOMEN :

This is a decision on the petition under 37 CFR 1.137(a), filed December 8, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned March 7, 2008 for failure to timely submit a proper reply to the final Office action mailed December 10, 2007. The final Office action set a three month shortened statutory period of time for reply. A reply was submitted February 6, 2008. The reply failed to place the application in condition for allowance, as indicated in the Advisory Action mailed March 17, 2008. Notice of Abandonment was mailed August 16, 2008.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The Office may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to have been "unavoidable." See, 37 CFR 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887)(the term "unavoidable" "is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business"); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987).

The petition lacks requirement (3) set forth above. Petitioner has failed to present a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable.

Petitioner attributes the delay in timely submitting a properly reply to the final Office action to the death of his attorney, Kenneth W. Float. Petitioner alleges that as a result of the death of Mr. Float, he was "unaware that a deadline to respond to the Advisory Action existed."

Petitioner has provided no details or supporting evidence of the facts alleged in the petition. Accordingly, a nexus cannot be found between the death of Mr. Float, petitioner's lack of knowledge of the advisory action, and the failure to timely submit a proper reply to the final Office action.

The Advisory Action did not set a new period of time for reply to the final Office action. Abandonment resulted due to failure to timely submit a proper reply to the final Office action. Abandonment took place by operation of law for failure to timely submit a proper reply to the final Office action, and not as a consequence of the mailing of the Advisory action.

Any renewed petition must establish that the entire period of time, from the time that a reply to the final Office action was due until the filing of a grantable petition, was unavoidable.

It is noted that petitioner states that "any delays" were "unintentional," petitioner may wish to seek relief pursuant to 37 CFR 1.137(b).

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the entire delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

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

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of practitioner appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If, practitioner desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to practitioner, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand:	U.S. Patent and Trademark Office Customer Window Mail Stop Petition Randolph Building 401 Dulany Street Alexandria, VA 22314

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

/ALESIA M. BROWN/
Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure

CC: KIT STETINA
Stetina Brunda Garred and Brucker
75 Enterprise Ste 250
Aliso Viejo, CA 92656

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO CA 92656

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MAY 12 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Logsdon :
Application No. 11/602,126 :
Filed: November 20, 2006 :
For: THERAPEUTIC JUICE COMPOSITION FOR WOMEN :

This is a decision on the petition renewed under the unintentional provisions of 37 CFR 1.137(b), filed April 16, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned March 7, 2008 for failure to timely submit a proper reply to the final Office action mailed December 10, 2007. The final Office action set a three month shortened statutory period of time for reply. A reply was submitted February 6, 2008. The reply failed to place the application in condition for allowance, as indicated in the Advisory Action mailed March 17, 2008. Notice of Abandonment was mailed August 16, 2008. A petition under 37 CFR 1.137(a) was filed December 8, 2008 and dismissed March 16, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and required fee, and the submission required by 37 CFR 1.114; (2) the required petition fee; and (3) a proper statement of unintentional delay.

The requested change of correspondence address/power of attorney has been entered into the record.

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

This application is being referred to Technology Center AU 1655 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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HARRINGTON & SMITH, PC
4 RESEARCH DRIVE
SHELTON CT 06484-6212

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OFFICE OF PETITIONS

In re Application of :
Chiasson : DECISION ON PETITION
Application No. 11/602,127 :
Filed: November 20, 2006 :
Docket No.: 003B.0103.U1(US) :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed September 7, 2007.

This application was held abandoned February 13, 2007 for failure to timely submit a proper reply to the Notice to File Corrected Application Papers (Notice) mailed December 12, 2006. Notice of Abandonment was mailed August 16, 2007.

Petitioner asserts that a response to the Notice was timely submitted on December 18, 2006 and have provided as proof of mailing and proof of USPTO receipt a return postcard dated December 20, 2007 acknowledging receipt of the reply. Further, the copy of the reply submitted herewith bears a certificate of mailing date of December 18, 2006 in accordance with 37 CFR 1.8.

The original response submitted December 20, 2006 has not been located in the application file. However, the arguments and evidence submitted are found convincing.

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

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

The application file is being forwarded to the Technology Center 3600 for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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LAW OFFICE OF TIMOTHY M. BARLOW
P.O. BOX 523272
SPRINGFIELD VA 22152

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DEC 19 2006

OFFICE OF PETITIONS

In re Application of :
A. Albert Walker :
Application No. 11/602,151 : DECISION ON PETITION
Filed: November 20, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. WAL-0601 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 20, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 3652 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C.
THE DAVIS BROWN TOWER
215 10TH STREET SUITE 1300
DES MOINES IA 50309

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OCT 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Mark Meyer	:	
Application No. 11/602,160	:	DECISION ON PETITION
Filed: November 20,.2006	:	
Attorney Docket No. 5081095/54950	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 11, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly and timely reply within the meaning of 37 CFR 1.113 to the final Office action mailed May 29, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on August 30, 2008. A Notice of Abandonment was mailed April 29, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and fee of $270.00 (previously paid February 12, 2009); (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

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

This application is being referred to Technology Center AU 1645 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Joan Olszewski
Petitions Examiner
Office of Petitions

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

Mail Date: 05/04/2010

Applicant	: Yoshihiro Konishi	: DECISION ON REQUEST FOR
Patent Number	: 7612530	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/602,201	: 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 **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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ALEXANDRIA, VA 22314-1176

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OFFICE OF PETITIONS

In re Application of Chin-Kuo Ting :
Application No. 11/602,203 : Decision on Petition
Filing Date: November 21, 2006 :
Attorney Docket No. TING3010/EM :

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 submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed October 6, 2008, which set a period for reply of three (3) months. The above-identified application became abandoned on January 7, 2009. A Notice of Abandonment was mailed on February 2, 2009.

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 Notice of Allowability in the form of a corrected drawing sheet. 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.

The Office of Data Management, Patent Publication Branch, will be informed of the instant decision and the application will be issued as a patent 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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TECHNOLOGY CENTER 3600

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DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

In re application of Atsushi Ayabe et al. Application No. 11/602,219 Filed: November 21, 2006 For: SHIFT CONTROL DEVICE OF VEHICULAR AUTOMATIC TRANSMISSION	:	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 February 5, 2009, to make the above-identified application special.

The request and petition are **DISMSSED**.

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 pilot program and petition fail to include:

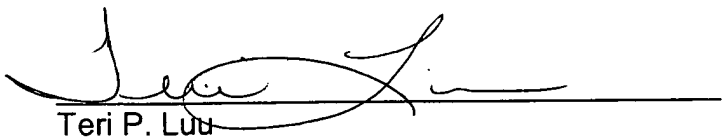
(3) all claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

The claims of the US application do not sufficiently correspond or have been amended to sufficiently correspond to the allowable/patentable claims in the JPO application. there are no claims in the JPO application which correspond to U.S. application claims 3-5, 7 and 8. The PPH program guidelines require that all claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the JPO application. Since there are no JPO claim that corresponds to US claims 3-5, 7 and 8, the PPH petition fails meet the guidelines of the PPH program.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, 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 submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.



Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 2/18/09

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MAR 26 2009

Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

In re application of Atsushi Ayabe et al. Application No. 11/602,219 Filed: November 21, 2006 For: SHIFT CONTROL DEVICE OF VEHICULAR AUTOMATIC TRANSMISSION	: : : : : :	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 renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed March 24, 2009, to make the above-identified application special.

The request and petition are **DENIED**.

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;

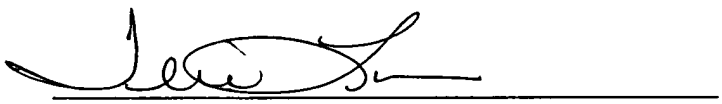
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The original request to participate in the PPH program and petition was filed February 5, 2009. The request and petition was dismissed because all claims in the U.S. application did not sufficiently correspond or were amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s).

The renewed request to participate in the PPH program and petition is denied because examination of the U.S. application has begun. A non-final Office action was mailed March 25, 2009.

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.



Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 3/25/09

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Paper No.

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

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APR 25 2007

OFFICE OF PETITIONS

In re Application of :
Masaki Ishii : DECISION ON PETITION
Application No. 11/602,257 :
Filed: November 21, 2006 :
Atty Docket No.R2184.0520/P520:

This is a decision on the PETITION FOR DEPOSIT DATE filed January 23, 2007, which is properly considered as a petition under § 1.53(e)(2). Petitioner requests that the Office accord the above-identified application a filing date of November 21, 2006, with figure 12 considered part of the original application disclosure.

Application papers in the above-identified application were deposited on November 21, 2006. However, on December 13, 2006, the Initial Patent Examination Division mailed applicants a NOTICE OF FILE MISSING PARTS OF NONPROVISIONAL APPLICATION. Applicant was thereby notified inter alia that the application papers had been accorded a filing date; however, figure 12 appeared to have been omitted from the application. (In addition, the oath or declaration was missing).

In response, applicant filed the instant petition (and petition fee). Applicant petitions the Office that the drawings filed with the application (12 sheets, figs. 1-13) were complete in the above-captioned application and request refund of the petition fee. In support thereof, applicant submits *inter alia* a copy of their return postcard from the USPTO. The petition also includes a copy of the 12 sheets of drawings.

A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioner's postcard receipt reveals that: 1) it was date stamped as received in the USPTO on November 21, 2006; 2) it specifically identifies the items being filed, including "Drawing (12 Sheets)" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioner has shown that the items denoted including 12 sheets of drawings were filed on November 21, 2006.

The application papers already considered received in the Office on November 21, 2006, were reviewed along with the sheets of drawings containing figures 1-13 submitted on petition. These papers together constitute the items described on the postcard receipt as "Drawing (12 Sheets)." It is concluded that petitioner has shown that Figures 1-13, including figure 12, were among the items present in the application on the date of deposit and should be included in the original application disclosure.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, petitioner's request to refund the petition fee is granted. The petition fee will be refunded to the Deposit Account, as authorized.

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

- further processing **with a filing date of November 21, 2006** using the application papers received in the Office and presently accorded that date; and figure 12 re-supplied on petition filed January 23, 2007;

- for indication in Office records, as appropriate, that 12 sheets of drawings (including figures 1-13) were present in the application on filing; and

- for processing of the response to Notice to File Missing Parts, a declaration filed January 23, 2007.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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JUL 12 2007

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ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON DC 20004-1206

In re Application of	:
Franciscus van den Bosch	:
Serial No.: 11/602,276	: PETITION DECISION
Filed: November 21, 2006	:
Attorney Docket No.: P30674US01	:

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2). The petition was filed November 22, 2006. Entry of color drawings requires: 1) three sets of the color drawings, 2) a proper amendment to the specification indicating color photographs or drawings are present in the file, and 3) the required fee under 37 CFR 1.17(h).

A review of the application record indicates that the petition meets all of the requirements for acceptance of color drawings. This is not to be construed that all of the drawings are accepted, only that the color drawings are acceptable.

The petition is **GRANTED**.

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

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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JUL 10 2009

Kenyon & Kenyon, LLP
1500 K Street, N.W.
Suite 700
Washington, DC 20005

In re application of	:	**DECISION ON REQUEST TO**
Akihiro Yamanaka et al.	:	**PARTICIPATE IN PATENT**
Application No. 11/602,282	:	**PROSECUTION HIGHWAY**
Filed: November 21, 2006	:	**PROGRAM AND PETITION**
For: HYBRID VEHICLE AND CONTROL METHOD OF THE SAME	:	**TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 28, 2009, to make the above-identified application special.

The request and petition are **DISMISSED as MOOT**.

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 the latest Office action 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 is not grantable as per item (4) above in that examination of the U.S. application has already begun. A non-final rejection was mailed May 21, 2009.

No time period for reply to this decision is available since an Office action on the merits has already been mailed.

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm: 7/9/09

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

Mail Date: 04/21/2010

Applicant	: Akihiro Yamanaka	: DECISION ON REQUEST FOR
Patent Number	: 7632212	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/602,282	: 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 **510** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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LEON R TURKEVICH
2000 M STREET NW
7TH FLOOR
WASHINGTON, DC 200363307

Mail Date: 06/18/2010

Applicant	: Pascal Thubert	: DECISION ON REQUEST FOR
Patent Number	: 7633921	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/602,292	: 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 **588** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 07/01/2010

Applicant	: Hiroshi Mitsuda	: DECISION ON REQUEST FOR
Patent Number	: 7630279	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/602,305	: 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 **394** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SONG K JUNG
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET NW
WASHINGTON DC 20006

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OFFICE OF PETITIONS

In re Application of	:	
Cheong, et al.	:	
Application No. 11/602,334	:	ON PETITION
Filed: November 21, 2006	:	
Attorney Docket No. 29137.247.00	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed March 26, 2009.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a response to the non-final Office action mailed August 28, 2008. This Office action set an extendable period for reply of one (1) month. No reply having been received, the application became abandoned on September 29, 2008. A Notice of Abandonment was mailed on March 10, 2009.

Petitioner contends that he did timely file a reply. In support, petitioner has included a copy of a USPTO date stamped receipt, dated September 26, 2008, and itemizing a "Response to Election of Species Requirement (2 pages)".

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

In view thereof, **THE HOLDING OF ABANDONMENT IS WITHDRAWN.**

The application is being forwarded to Group Art Unit 1795 for consideration of the "Response to Election of Species Requirement" filed September 26, 2008 (copy supplied with the instant petition).

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

Cliff Congo
Petitions Attorney
Office of Petitions

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

Mail Date: 04/21/2010

Applicant	: Shinya Kajiyama	: DECISION ON REQUEST FOR
Patent Number	: 7633809	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/602,342	: 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 **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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OFFICE OF PETITIONS

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of	:	
Armin Leder et al	:	
Application No. 11/602,375	:	DECISION GRANTING PETITION
Filed: November 21, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 32368-236629	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 28, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 18, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 3723 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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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Armin Leder	: DECISION ON REQUEST FOR
Patent Number	: 7578729	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/602,375	: 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 **39** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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In re Application of	:	
Gael Nicolas et al.	:	
Application No. 11/602,402	:	DECISION ON PETITION
Filed: November 21, 2006	:	TO WITHDRAW
Attorney Docket No. 01017/30020A	:	FROM RECORD
	:	

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

The request is **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 Robert Smyth and all attorneys/agents associated with customer number 09629 has been revoked by the assignee of the patent application on August 7, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Marshall, Gerstein & Borun, LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, IL 60606

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

Mail Date: 04/21/2010

Applicant	: Masaaki Fujimori	: DECISION ON REQUEST FOR
Patent Number	: 7608857	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/602,404	: 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 **211** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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AIR PRODUCTS AND CHEMICALS, INC.
PATENT DEPARTMENT
7201 HAMILTON BOULEVARD
ALLENTOWN PA 18195-1501

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OFFICE OF PETITIONS

In re Application of
Joel Erwin GOLDSTEIN, et al
Application No. 11/602,426
Filed: November 20, 2006
Attorney Docket No. 06229CP USA

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 6, 2008.

The request is **NOT APPROVED**.

The Office cannot approve the request at this time since the reason provided does not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "a practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office." More specifically, 37 CFR 10.40 states, "if paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, sale of application, 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 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: DR. MICHAEL SCHUDERER
WACKER CHEMIE AG
HANNS-SEIDEL-PLATZ 4
D-81737 MUNICH
GERMANY

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DIVISION NEWPORT
1176 HOWELL STREET
CODE 000C
NEWPORT RI 02841

In re Application of :
Gregory H. Ames :
Application No. 11/602,432 : ON PETITION
Filed: October 19, 2006 :
Attorney Docket No. 82665 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed July 15, 2008.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed September 20, 2007. This Notice set a statutory period for reply of three (3) months. No issue fee having been received, the application became abandoned on December 21, 2007. The Office mailed a Notice of Abandonment on January 17, 2008.

To establish non-receipt of an Office action, a petitioner:

> must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.[1]

In addition, the Manual of Patent Examining Procedure § 711.03(c) also states:

> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has not submitted a copy of a master docket record showing all his replies docketed for a due date of December 20, 2007, nor has petitioner stated that such a record does not exist. Rather, petitioner has only submitted a copy of the file jacket for the instant application, together with a listing of all Notices of Allowance received for various applications.

While the showing of record is not presently sufficient to withdraw the holding of abandonment, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the

---

[1] MPEP 711.03(c).

filing of a grantable petition pursuant to this paragraph was unintentional.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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In re Application of :
Gregory H. Ames :
Application No. 11/602,432 : ON PETITION
Filed: October 19, 2006 :
Attorney Docket No. 82665 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed October 1, 2008.

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 September 20, 2007. This Notice set a statutory period for reply of three (3) months. No issue fee having been received, the application became abandoned on December 21, 2007. The Office mailed a Notice of Abandonment on January 17, 2008. Applicant filed a petition to withdraw the holding of abandonment on July 15, 2008. However, the petition was dismissed in a decision mailed on July 30, 2008.

With the instant petition, petitioner paid the petition fee, submitted the required reply in the form of the issue fee, and made the proper statement of unintentional delay.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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OFFICE OF COUNSEL, CODE XDC1
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SUITE 121
DAHLGREN VA 22448-5110

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OFFICE OF PETITIONS

In re Application of

NECHITAILO, Nicholas V. et al.
Application No. 11/602,438
Filed: November 02, 2006
Attorney Docket No. **Navy Case 97795**

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 02, 2007.

The request is **APPROVED**.

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

The request was signed by Scott R. Boalick. The undersigned attorney/agent 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 Michelle R. Eason at 571-272-4231.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **SCOTT BOALICK**
USPTO
600 DULANY STREET
ALEXANDRIA, VA 22313

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CARDEROCK DIVISION
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OFFICE OF PETITIONS

In re Application of

Young T. Shen et al.
Application No. 11/602,439
Filed: November 6, 2006
Attorney Docket No. 98,422

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 2, 2007.

The request is **APPROVED**.

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

The request was signed by Scott R. Boalick, former attorney with Naval Surface Warfare Center.

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

The correspondence address of record remains unchanged.

There are no outstanding office actions at this time.

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

Frances Hicks
Petitions Examiner
Office of Petitions

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REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT

Application Number	11/602,439
Filing Date	11-6-2006
First Named Inventor	
Group Art Unit	
Examiner Name	
Attorney Docket Number	98422

To: Assistant Commissioner for Patents
Washington, DC 20231

I hereby apply to withdraw as attorney or agent for the above identified patent application.

The reasons for this request are:

Mandatory withdrawal due to my employment by the United States Patent and Trademark Office beginning April 1, 2007.

1. ☑ The correspondence address is NOT affected by this withdrawal.
2. ☐ Change the correspondence address and direct all future correspondence to:

CORRESPONDENCE ADDRESS

☐ Customer Number 38097 →

OR

Place Customer Number Bar Code Label here

☐ Firm *or* Individual Name					
Address					
Address					
City		State		ZIP	
Country					
Telephone		Fax			

This request is enclosed in triplicate.

Name	Scott R. Boalick
Signature	
Date	March 30, 2007

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Navy Case No. 98,422

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:
My residence, post office address and citizenship are as stated below next to my name.

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 **RUDDERS FOR HIGH-SPEED SHIPS**
the specification of which
(check one) ☒ is attached hereto ☐ was filed on _____ as United States Application Number or PCT International Application Number _____ and was amended on _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §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 of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority	Certified Copy Attached?	
			Not Claimed	Yes	No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, 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 §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Parent Patent Number
11/126,511		(05/09/2005)	

Navy Case No. 98,422

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), and hereby certify that the Government of the United States has the irrevocable right to prosecute this application:

John L. Forrest, Jr., Reg. No. 29,378; Howard Kaiser, Reg. No. 31,381; Jane M. Barrow, Reg. No. 34,217; Scott R. Boalick, Reg. No. 42,337; Dave Ghatt, Reg. No. 50,926.

SEND CORRESPONDENCE TO: **Customer Number 38092**
Office of Counsel, Code 004
Naval Surface Warfare Center
Carderock Division
9500 MacArthur Boulevard
West Bethesda, MD 20817-5700

Direct Telephone Calls to:

Dave Ghatt
(301) 227-1834

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.

Full name of sole or first inventor YOUNG T. SHEN

Inventor's signature Young T. Shen Date Oct. 26 2006
Residence 8922 Harvest Sq Ct, Potomac, MD 20854
Citizenship U.S.A.
Mailing Address 8922 Harvest Sq Ct, Potomac, MD 20854

Full name of second inventor EDWARD S. AMMEEN

Inventor's signature Edward S Ammeen Date Oct 31 2006
Residence 5812 Jane Way, Alexandria, VA 22310
Citizenship U.S.A.
Mailing Address 5812 Jane Way, Alexandria, VA 22310

Full name of sole or third inventor SCOTT GOWING

Inventor's signature Scott Gowing Date Nov 2, 2006
Residence 11317 Brandy Hail Lane, North Potomac, MD 20878
Citizenship U.S.A.
Mailing Address 11317 Brandy Hail Lane, North Potomac, MD 20878

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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Bib Data Sheet

CONFIRMATION NO. 7813

SERIAL NUMBER	FILING OR 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/602,439	11/06/2006 RULE	114	3617	98,422

APPLICANTS

Young T. Shen, Potomac, MD;
Edward S. Ammeen, Alexandria, VA;
Scott Gowing, North Potomac, MD;

**** CONTINUING DATA ***************************

This application is a CIP of 11/126,511 05/09/2005 PAT 7,144,282

**** FOREIGN APPLICATIONS *********************

		STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
Foreign Priority claimed	☐ yes ☐ no	MD	9	20	2
35 USC 119 (a-d) conditions met	☐ yes ☐ no ☐ Met after Allowance				
Verified and Acknowledged	Examiner's Signature Initials				

ADDRESS

38092

TITLE

Rudders for high-speed ships

FILING FEE RECEIVED		
1000	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

Day : Monday
Date: 6/11/2007

Time: 17:02:00

PALM INTRANET

Correspondence Address for 11/602439

Customer Number	Contact Information	Address
38092 Delivery Mode: PAPER	Telephone: (301)227-1835 Fax: (301)227-1968 E-Mail: No E-Mail Address	OFFICE OF COUNSEL, CODE 004 NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION 9500 MACARTHUR BLVD. WEST BETHESDA MD 20817

Appln Info | Contents | Petition Info | Atty/Agent Info | Continuity/Reexam | Foreign D

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DREIER LLP
499 PARK AVE
NEW YORK NY 10022

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OFFICE OF PETITIONS

In re Application of
Baker et al.
Application No.11/602,450
Filed: November 20, 2006
Attorney Docket Number: 600189.431

DECISION REFUSING STATUS
UNDER 37 C.F.R. §1.47(b)

This is in response to the petition under 37 C.F.R. §1.47(b), filed July 12, 2007.

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

The above-identified application was filed on November 20, 2006, without an executed oath or declaration, and naming Tim Baker and Dan Kantor as the co- inventors. Accordingly, on December 12, 2006, a Notice to File Missing Parts of Application - Filing Date Granted was mailed, requiring applicant to submit an executed oath or declaration and pay a surcharge for late filing. The Notice set an extendable two month period for reply.

In reply, applicant filed the instant petition and the surcharge for late filing of the declaration. To make timely a five (5) month extension of time was submitted. The current petition fee is $200.00. Pursuant to petitioner's request deposit account no. 50-4026 will be charged the $70.00 difference.

A grantable petition under 37 C.F.R. §1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is necessary to preserve the rights of parties or to prevent irreparable damage. Rule 47 applicant has failed to establish (2), (5) and (6).

An Acceptable Oath or Declaration

As to item (2), applicant failed to submit a properly executed oath or declaration with the petition. In addition to including the non-signing inventor's information, the granting of 47 status requires a rule 47 (b) applicant to make the oath required by 37 CFR §1.63 and §1.64. Where applicant is a corporation, an officer of the corporation normally is required to sign the oath or declaration. The declaration must state the full name, residence, post office address, and citizenship of the non-signing inventor. The title or position of the person signing must also be stated if signing on behalf of a corporation under 37 CFR §1.47(b). See MPEP 409.03(b). Petitioner has provided a statement which only avers to the facts that the inventor is required to state pursuant to 37 CFR 1.64(b).

Proof of Proprietary Interest

As to item (5), proprietary interest is usually found by establishing a) the invention has been assigned to applicant, or b) the inventor has agreed in writing to assign the invention to the applicant or c) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application. If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324). See MPEP 409.03(f).

Showing That Such Action Is Necessary to Preserve the Rights of Parties or to Prevent Irreparable Damage.

As to item (6), applicant has failed to provide a statement that the granting of rule 47 status is necessary to preserve the rights of the rule 47 applicant or prevent irreparable damage. See MPEP 409.03(h).

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

By mail:

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

By facsimile: (571) 273-8300

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

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

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Mail Date: 04/21/2010

Applicant	: Joseph C. Coffey	: DECISION ON REQUEST FOR
Patent Number	: 7633400	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/602,478	: 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 **348** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

JUL 12 2007

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

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

In re Application of	:
Asier Saez-Ciron et al	:
Serial No.: 11/602,487	: PETITION DECISION
Filed: November 21, 2006	:
Attorney Docket No.: 3495.0392-00	:

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2). The petition was filed February 20, 2007. Entry of color drawings requires: 1) three sets of the color drawings, 2) a proper amendment to the specification indicating color photographs or drawings are present in the file, and 3) the required fee under 37 CFR 1.17(h).

A review of the application record indicates that the petition meets all of the requirements for acceptance of color drawings. This is not to be construed that all of the drawings are accepted, only that the color drawings are acceptable.

The petition is **GRANTED**.

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

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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PATENT APPLICATION

11602487

PATENT APPLICATION

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

ATTN: THOMAS A. O'ROURKE
BODNER & O'ROURKE, L.L.P.
ATTORNEYS AT LAW
425 Broadhollow Road
Melville NY 11747

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JAN 0 8 2007

OFFICE OF PETITIONS

In re Application of :
Robert Tartaglia : DECISION ON
Application No. 11/602,515 : PETITION
Filed: March 31, 2006 :
Atty Docket No. Selectron 103 :

This is in response to the paper filed July 31, 2006, requesting that the above-identified application (a "second" application) filed with a provisional application be accorded a new serial number for a nonprovisional application. This also responds to the petition under 1.181 filed December 4, 2006, requesting a filing receipt for the above-identified application.

The petition is **DISMISSED AS MOOT**.

Application papers in the above-identified nonprovisional application and in a provisional application were deposited together on March 31, 2006. Both applications were accorded a provisional application number. In response to the petition filed July 31, 2006 in the provisional application (and copied to the instant application), petitioner was granted the following relief: The Office of Initial Patent Examination (OIPE) was requested to i) separate the application papers filed in the same envelope and accorded the same provisional application number, ii) to assign the papers for this application a distinct and nonprovisional application number and iii) to mail a filing receipt, reflecting these changes. On December 7, 2006, such a filing receipt was mailed.

In view thereof, the issues raised on petition are moot.

No additional petition fee is required. The petition fee was charged in the provisional application.

This nonprovisional application will maintain a filing date of March 31, 2006, using the application papers deposited on that date.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

Mail Date: 04/20/2010

Applicant	: Takenobu Kimura	: DECISION ON REQUEST FOR
Patent Number	: 7639974	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/602,563	: 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 **518** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

In re Application of :
Chen et al. :
Application Number: 11/602568 : ON PETITION
Filing Date: 11/20/2006 :
Attorney Docket Number: 048638-013000 :

This is a decision in reference to the petition under 37 CFR 1.183, filed on October 1, 2009, which is treated as a petition requesting waiver of 37 CFR 1.64 in that it requires that a named inventor to execute a supplemental declaration.

The petition is **DISMISSED**.

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 1.183," 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 November 20, 2006, the above-identified application was filed, accompanied by a declaration naming AiHua, Chen Shulin Wang, Henry Ho, Gerald Yin, Qing Lv, and Li Fu, as joint inventors.

On July 7, 2009, a Notice of Allowability was mailed, requiring a supplemental oath or declaration in compliance with 37 CFR 1.67(a).

On October 1, 2009, the subject petition was filed, accompanied by a supplemental declaration signed by joint inventor Qing Lv and Gerald Yin on behalf of themselves, and by joint inventor Yin on behalf of the assignee.

Petitioners state that the assignee, Advanced Micro-Fabrication Equipment, Inc. (AMEC) "has attempted to reach inventors AiHua

Chen, Shulin Wang, and Li Fu, who are no longer employed by AMEC, but was unable to reach them." Petitioners further state that inventor Henry Ho refused to sign the supplemental declaration, "saying he has left AMEC and he is 'not willing' to sign it again."

Petitioners therefore request that the requirements of § 1.64 be waived, and that the supplemental declaration executed by Yin and Lv on behalf of themselves, and by Yin on behalf of the assignee, be accepted.

Suspension of the rules under 37 CFR 1.183 may be granted in an "extraordinary situation, when justice requires." The facts presented on the record do not adequately establish an extraordinary situation. Petitioner has not sufficiently established any special circumstances of equities that would require suspension of the rules in the interests of justice.

As the application bears an original Declaration executed by all joint inventors, the provisions of 37 CFR 1.47 do not apply. Nevertheless, it is appropriate to apply the principles thereof to the situation at hand.

Petitioners must therefore show proof that:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented therewith;

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor.

The petition lacks item (1) and (2).

With regards to item (1), petitioners must show that proof that the non-signing inventors cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented or sent a copy thereof.

Petitioners may show proof that a copy of the supplemental declaration was sent or given to the non-signing inventors for review by providing a copy of the cover letter transmitting the declaration to each of the the non-signing inventors or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the supplemental declaration was sent or given to the inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of fact.

With regard to inventor Ho, petitioners must provide a statement by a person with first-hand knowledge of the details of his refusal.

If the envelope sent to the non-signing inventor at the last known address is returned as undeliverable by the post office, petitioners should provide a copy of the envelope showing that the declaration was returned as undeliverable with any renewed petition. If the inventor refuses in writing to sign, a copy of that written refusal should be provided with any renewed petition. If the inventor refuses orally, petitioners should submit details of the refusal in an affidavit or declaration of facts by a person having first-hand knowledge of the refusal.

If repeated attempts to contact the non-signing inventor are unsuccessful, petitioners will have shown that despite diligent efforts, the inventors could not be reached.

With regard to item (2), the supplemental oath or declaration is defective in that it is not appropriate for one inventor, or the assignee, to sign on behalf of some, but not all, non-signing inventors. The declaration has been signed by joint inventors Yin and Lv. Accordingly, the signing inventors must sign on behalf of themselves and the non-signing inventors. Either all of the signing inventors must sign a statement stating they are signing on behalf of the non-signing inventors, or the signing inventors must sign in their respective signature blocks, and the signature blocks for the non-signing inventors must be left blank.

A new supplemental declaration, signed by all of the signing inventors on behalf of themselves and the non-signing inventors, must be provided with any renewed petition.

Lastly, the fee for a petition under 37 CFR 1.183 is $400.00. The petition fee of $200.00 previously paid will be credited towards the $400.00 fee due. The balance due will be charged to counsel's deposit account, as authorized in the subject petition.

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

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

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

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

A reply may also be filed using the EFS-Web filing system of the USPTO.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/21/2010

Applicant	: Robert Booker	: DECISION ON REQUEST FOR
Patent Number	: 7624868	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/602,593	: 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 **267** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Address: COMMISSIONER FOR PATENTS
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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	: Andrew G. Laquer	: DECISION ON REQUEST FOR
Patent Number	: 7656025	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/602,605	: 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 **172** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

Mail Date: 04/21/2010

Applicant	: Timothy Dion Wetzel	: DECISION ON REQUEST FOR
Patent Number	: 7648539	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/602,621	: 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 **403** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/602,623	11/21/2006	Eugene P. Marsh	150.01360105

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

DATE MAILED: August 24, 2007

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

This is in response to the petition under 37 CFR 1.138(d) filed August 14, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

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

In re Application of :
Akash Jain, et al. :
Application No. 11/602,626 :
Filed: November 20, 2006 :
Attorney Docket No. 60152-0011 :

DECISION GRANTING PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed April 28, 2009, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen month publication country on November 20, 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 September 10, 2009 accompanies this decision on petition.

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

This application is being forwarded to Technology Center Art Unit 2165 for examination in due course.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/602,626	11/20/2006	Akash Jain	60152-0011

CONFIRMATION NO. 9159

29989
HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

NONPUBLICATION RESCISSION LETTER

Date Mailed: 06/05/2009

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 09/10/2009.

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

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

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

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

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

/sdbrinkley/

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

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CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

Mail Date: 04/20/2010

Applicant	: Taketoshi Yamada	: DECISION ON REQUEST FOR
Patent Number	: 7651741	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/602,697	: 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 **496** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP
ONE NEW YORK PLAZA
NEW YORK, NY 10004

In re Application of :
Roger Marx Desenberg :
Application No. 11/602,699 : DECISION ON PETITION
Filed: November 20, 2006 : TO WITHDRAW
Attorney Docket No. 9999-1114 : 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 18, 2007.

The request is **APPROVED**.

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

The request to change the correspondence address of record has been accepted. All future communications from the Office will be directed to the first copied address below until otherwise properly notified by the applicant.

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

There is an outstanding Office action mailed December 12, 2006 that requires a reply from the applicant.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: ROGER MARX DESENBERG
750 N. TAMIAMI TRAIL
SUITE 404
SARASOTA, FL 34236

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
11/602,699	11/20/2006	Roger Marx Desenberg	9999-1114

CONFIRMATION NO. 8657

OC000000023653050

42477
FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP
ONE NEW YORK PLAZA
NEW YORK, NY 10004

Date Mailed: 05/03/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/18/2007.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 05/07/2010

Applicant	: Thilo Opaterny	: DECISION ON REQUEST FOR
Patent Number	: 7657338	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/602,704	: 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 **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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MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

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OFFICE OF PETITIONS

In re Application of :
PONNAMPALAM, Vishakan et al. :
Application No. 11/602,729 : DECISION ON PETITION
Filed: November 20, 2006 : TO WITHDRAW
Attorney Docket No. **9010/96618** : FROM RECORD
:

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 01, 2009.

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

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on September 18, 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: **FITCH EVEN TABIN & FLANNERY**
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

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JUAN C. VILLAR
9365 AEGEAN DRIVE
BOCA RATON FL 33496

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SEP 2 5 2008

In re Application of :
HARRIS, Debra J. Fogel :
Application No. 11/602,740 : DECISION ON PETITION
Filed: November 21, 2006 : TO WITHDRAW
Attorney Docket No. **HARRIS-001-CIP** : FROM RECORD

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, 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 Juan C. Villar, the sole attorney of record. Juan C. Villar 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.

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: **DEBRA J. FOGEL HARRIS**
9366 AEGEAN DRIVE
BOCA RATON, FL 33496

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MAY 10 2010

OFFICE OF PETITIONS

JOHN C. SMITH, P.A.
4125 NW 58th LANE
BOCA RATON FL 33496

In re Application of :
Debra J. Fogel Harris :
Application No. 11/602,740 : ON PETITION
Filed: November 21, 2006 :
Attorney Docket No. Harris-001-PCT :

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

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely file a proper reply within the meaning of 37 CFR 1.113 to the final Office action of April 28, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A reply was received on August 28, 2009, but was not a proper reply under 37 CFR 1.113(a) to the final rejection. A one month extension of time was obtained. Accordingly, the date of abandonment of this application is August 29, 2009. A Notice of Abandonment was mailed on December 10, 2009.

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

As to item 1, the file record shows that new application papers were filed in application number 11/602,740, along with the petition to revive. These papers should be filed separately as a new application. A new application number and filing date will be provided if all documents submitted constitute a complete filing of a continuation-in part. Therefore the petition can not be granted at this time.

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

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

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

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

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

/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
P.O. Box 1450
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HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

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JUL 06 2009

OFFICE OF PETITIONS

In re Application of
Robert C. THISTLE
Application No. 11/602,742
Filed: November 21, 2006
Attorney Docket No. **S63.2B-14500-US01**

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 17, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **HOFFMANN & BARON, LLP** has been revoked by the assignee of the patent application on June 10, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: **VIDAS ARRETT & STEINKRAUS, PA**
6640 SHADY OAK ROAD, SUITE 400
EDEN PRAIRIE, MN 55344

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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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/602,744	11/20/2006	Nishant Sinha	M-122-3431

WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE WA 99201

DATE MAILED: September 13, 2007

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

This is in response to the petition under 37 CFR 1.138(d) filed August 23, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

PTO/SB/24B (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXPRESS ABANDONMENT TO OBTAIN A REFUND

Fax the petition directly to the Pre-Grant Publication Division at (703) 305-8568
Or Mail the petition to:
Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	11/602,744
Filing Date	November 20, 2006
First Named Inventor	Nishant Sinha
Art Unit	2812
Examiner Name	Unknown
Attorney Docket Number	MI22-3431

Petition for Express Abandonment Under 37 CFR 1.138(d) to Obtain a Refund

I hereby petition to expressly abandon the above-identified application to obtain a refund of any previously paid search fee and excess claims fee in the application. Please refund any search fee and excess claims fee paid in this application.

[X] The Director is hereby authorized to credit the fee(s) to Deposit Account No. 23-0925.

NOTE: The provisions of 37 CFR 1.138(d) only apply to applications filed under 35 U.S.C. 111(a) on or after December 8, 2004. A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

TO AVOID PUBLICATION, INCLUDE FORM PTO/SB/24A AND PETITION FEE WITH THIS FORM.

I am the:

[ ] applicant.

[ ] assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

[X] attorney or agent of record. Attorney or agent registration number is 46,791.

[ ] attorney or agent acting under 37 CFR 1.34, who is authorized under 37 CFR 1.138(b) because the application is expressly abandoned in favor of a continuing application. Attorney or agent registration number is _____.

RECEIVED
USPTO-PG PUBS
AUG 24 2007

Signature — 8/23/07 Date

Robert C. Hyta — (509) 624-4276
Typed or printed name — Telephone Number

Repln. Ref: 08/24/2007 KKING1 00101331
Adjustment date: 08/24/2007 KKING1
11/24/2006 LWONDIM1 00000030 11602744
02 FC:1111 $500.00 CR
FC: 9204

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

[X] Total of one (1) forms are submitted.

This collection of information is required by 37 CFR 1.138(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Express Abandonment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO 9199 and select option 2.

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United States Patent and Trademark Office
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MAIL

APR 30 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

LEE, HONG, DEGERMAN, KANG & SCHMADEKA
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

In re Application of
KIM, JAI-CHUL
Application No. 11/602,748
Filed: November 21, 2006
Attorney Docket No. 2060-3415

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 1, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Philipp Lang, M.D., MBA
Vertegen, Inc.
7 Fair Oaks Terrace
Lexington MA 02421

COPY MAILED

NOV 2 4 2009

OFFICE OF PETITIONS

In re Application of Lang :
Application No. 11/602,763 : Decision on Petition
Filing Date: November 21, 2006 :
Attorney Docket No. Vert_003.00us :

This is a decision on the petition under 37 CFR 1.137(b), filed August 3, 2009, to revive the above-identified application.

The petition is **granted**.

The Office mailed an Office action on October 1, 2008, requiring the submission of drawings. The Office action set a shortened statutory period for reply of two (2) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the application became abandoned on December 2, 2008. A Notice of Abandonment was mailed on April 29, 2009.

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.

As to item (1), petitioner has submitted a reply to the Office action in the form of drawings.

As to item (2), petitioner has submitted the required petition fee of $810.

As to item (3), 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." To the extent the statement of delay in the petition varies

from this exact language, the statement will be construed as the equivalent of the statement above. If the entire delay from the date of abandonment, December 2, 2008, until the date the petition was filed, August 3, 2009, was not unintentional, petitioner must notify the Office.

As to item (4), a terminal disclaimer is unnecessary.

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.

Technology Center Art Unit 3775 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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GENERAL ELECTRIC COMPANY
GE AVIATION
ONE NEUMANN WAY MD F16
CINCINNATI, OH 45215

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MAR 3 0 2010

OFFICE OF PETITIONS

In re Application of :
Ming Xie :
Application No. 11/602,769 : ON PETITION
Filed: November 21, 2006 :
Attorney Docket No. 199579-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 13, 2010, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of May 12, 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). Three month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is November 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810 the submission required by 37 CFR 1.114; (2) the petition fee of $1620 and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1794 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment filed January 13, 2010 submitted in accordance with 37 CFR 1.114.

Irvin Dingle
Petition Examiner
Office of Petitions

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KIT M. STETINA, ESQ.
STETINA BRUNDA GARRED & BRUCKER
SUITE 250
75 ENTERPRISE
ALISO VIEJO CA 92656

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MAR 16 2007

OFFICE OF PETITIONS

In re Application of :
Ron Storer :
Application No. 11/602,800 : DECISION ON
Filed: November 21, 2006 : PETITION
Attorney Docket No. XTREM-014A :

This is a decision on the petition filed February 5, 2007 in response to the Notice of Omitted Items mailed December 13, 2006. The response is treated as a petition under 37 CFR 1.182.

After the application was filed, the Office of Initial Patent Examination mailed a Notice of Omitted Items on December 13, 2006, indicating that page 5 of the Specification appeared to have been omitted. Petitioner argues that a complete Specification including page 5 was included with the application filed on November 21, 2006. In support, a copy of petitioners' postcard receipt has been supplied. The postcard receipt shows an Office date stamp of November 21, 2006, and identifies the application by the name of the inventor and the title of the invention, and acknowledges receipt, *inter alia*, of an eleven page specification. Petitioners request that the application be considered complete with page 5 of the specification and with a filing date of November 21, 2006.

A review of the record reveals that only ten pages of specification (including abstract and claims pages) are located among the application papers deposited on November 21, 2006 and that there is no page 5 included therein. However, from the evidence presented it is obvious that there should have been eleven pages. Since the postcard receipt lacks any notation of non-receipt of any item listed, the application, including page 5, is entitled to a filing date of November 21, 2006.

The "Notice" mailed on December 13, 2006, is **VACATED**.

In view of the above, the petition is **GRANTED**. Petitioner's deposit account no. 19-4330 will be credited in the amount of $400.00 for the petition fee paid February 5, 2007.

This matter is being referred to the Office of Initial Patent Examination with an indication that page 5 of the specification was in fact filed the application papers filed on November 21, 2006.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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MEDTONIC
ATTN: NOREEN JOHNSON – IP LEGAL DEPARTMENT
2600 SOFAMOR DANEK DRIVE
MEMPHIS TN 38132

MAILED

AUG 28 2009

OFFICE OF PETITIONS

In re Application of	:	
McKay et al.	:	
Application No. 11/602,805	:	DECISION GRANTING PETITION
Filed: November 21, 2006	:	UNDER 37 CFR 1.78(a)(3) AND
Attorney Docket No. 48170.00038/PC681.24	:	UNDER 37 CFR 1.78(a)(6)

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed June 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 petitions are **GRANTED**.

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

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

The instant application was filed on November 21, 2006 and was pending at the time of filing of the instant petition. A reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii).

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). *See* 35 U.S.C. § 120 and § 119(e). Accordingly, having found that the instant petition satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) for acceptance of an unintentionally delayed claim for priority

under 35 U.S.C. § 120 and § 119(e), the petition to accept an unintentionally delayed claim of benefit to the prior-filed applications is granted.

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

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

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.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center Art Unit 1633 for appropriate action on the amendment submitted June 15, 2009, including consideration by the examiner of the claim under 35 U.S.C. § 120 and 37 CFR 1.78(a)(2) for the benefit of the prior-filed applications, and for consideration of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Gerard P. Norton
Fox Rothschild LLP
Princeton Pike Corporate Center
997 Lenox Drive, Building 3
Lawrenceville, NJ 08648-2311

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/602,805	11/21/2006	1633	2830	48170.00038/PC681.24	44	3

CONFIRMATION NO. 9638

CORRECTED FILING RECEIPT

67676
Medtronic
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
Memphis, TN 38132

Date Mailed: 08/27/2009

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

Applicant(s)

William F. McKay, Memphis, TN;
Scott D. Boden, Atlanta, GA;
Sangwook T. Yoon, Atlanta, GA;

Power of Attorney: The patent practitioners associated with Customer Number 29880

Domestic Priority data as claimed by applicant

This application is a CIP of 10/382,844 03/07/2003
which is a CIP of 10/292,951 11/13/2002
which claims benefit of 60/331,321 11/14/2001
This application 11/602,805
is a CIP of 09/959,578 06/21/2002 PAT 7,045,614 *
and is a CIP of 09/986,625 11/09/2001 PAT 6,858,431
which is a DIV of 09/721,975 11/27/2000 PAT 6,444,803
which is a CON of 09/124,238 07/29/1998 PAT 6,300,127
which claims benefit of 60/054,219 07/30/1997
and claims benefit of 60/080,407 04/02/1998
(*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted: 03/08/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/602,805**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Methods of inducing or increasing the expression of proteoglycans such as aggrecan in cells

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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SILBER & FRIDMAN
Suite 207
1037 Route 46 East
Clifton NJ 07013

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OCT 13 2009

OFFICE OF PETITIONS

In re Application of :
Iwahara :
Application No. 11/602,847 : ON PETITION
Filed: November 21, 2006 :
Attorney Docket No. F0645 :
For: HOLE PLUGS

This is a decision on the petition, filed September 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 February 27, 2009 non-final Office action. No response being received and proper extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on May 28, 2009.

Applicant has submitted an amendment in reply to the February 27, 2009 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the February 27, 2009 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.

After the mailing of this decision, the application will be returned to Technology Center AU 3781 for consideration of the amendment filed on September 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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WATOV & KIPNES, P.C.
P.O. Box 247
Princeton Junction, NJ 08550

Mail Date: 04/21/2010

Applicant	: Petros Gebreselassie	: DECISION ON REQUEST FOR
Patent Number	: 7641927	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/602,851	: 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 **423** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 : 04-09-09

TO SPE OF : ART UNIT 1626

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/602869 Patent No.: 7375129

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Angela Green
Certificates of Correction Branch
703-308-9390 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: there are some errors to be corrected. ~~before~~
① Col. 6, line 26, there are two "XXI".
② Col. 11, line 55, specify "R_2" to be deleted.
③ Col. 12, line 67, insert "--2-$H_{11}C_{14}N_3$--" wrong.
④ Col. 46, line 34, "$C_{22}H_{12}N_3C_4$" not exist

SPE 1626 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

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

Mail Date: 05/06/2010

Applicant	: Yasushi Takahashi	: DECISION ON REQUEST FOR
Patent Number	: 7627823	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/602,874	: 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 **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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 071409

DATE : **7/14/09**

TO SPE OF : ART UNIT **1626 (1600)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/602,888** Patent No.: **7,329,752**

Attn: Laura Stockton

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

/Joseph K. McKane/
SPE, Art Unit 1626

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 071409

DATE : **7/14/09**

TO SPE OF : ART UNIT **1626 (1600)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/602,888** Patent No.: **7,329,752**

Attn: Laura Stockton

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

/Joseph K. McKane/
SPE, Art Unit 1626

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Alexandria, VA 22313-1450
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DENNIS W. BEECH (LAW OFFICE OF DENNIS W. BEECH)
P.O. BOX 519
MURRIETA CA 92564-0519

MAILED

FEB 16 2010

OFFICE OF PETITIONS

In re Application of :
Bob ARCHIBALD :
Application No. 11/602,894 : DECISION ON PETITION
Filed: November 20, 2006 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 28, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 15, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(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 March 16, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405, and the submission required by 37 CFR 1.114; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office Action of December 15, 2008 is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 3644 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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JAN 07 2010

OFFICE OF PETITIONS

Shamil Sami AYNTRAZI
3101 WHITE DAISY PL
FAIRFAX, VA 22031

In re Application of Ayntrazi :
Application No. 11/602,901 : Decision on Petition
Filing Date: November 22, 2006 :
For: Renewable Energy Wave Air Pump :

This is a decision on the petition under 37 CFR 1.137(a), filed August 3, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)."

Facts

The application was filed November 22, 2006.

The Office mailed a non-final Office action on October 21, 2008.

Petitioner filed a reply on November 17, 2008.

The Office mailed a new Office action on January 15, 2009. The Office action stated the November 17, 2008 reply was not fully responsive and set time period of one (1) month or thirty (30) days (whichever is later) for petitioner to file a proper reply.

Absent payment for an extension of time, a reply to the January 15, 2009 Office action was due on or before February 17, 2009.[1]

Petitioner filed a reply on March 17, 2009. The reply was not accompanied by payment for an extension of time.

The Office mailed a Notice of Abandonment on July 2, 2009.

[1] February 15, 2009, was a Sunday and February 16, 2009, was a federal holiday.

The Notice of Abandonment stated,

> A reply was received on 17 March 2009 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection.... Applicant filed non-responsive amendments on 11/17/2008 and on 03/17/2009, which have not put application in proper format for the prosecution as was explained in Office action dated 01/15/2009.

Since the March 17, 2009 reply was improper and untimely, the application became abandoned on February 18, 2009.

The instant petition was filed August 3, 2009.

Discussion

The Office will not consider the merits of a petition absent payment of the petition fee.

Although petitioner submitted $65 with the petition, the required small-entity petition fee for a petition under 37 CFR 1.137(a) is $270.

Since the full $270 petition fee has not been submitted, the Office will not consider the merits of the petition.

Any request for reconsideration under 37 CFR 1.137(a) should include an additional $205 ($270 reduced by $65 payment on August 3, 2009) for the remainder of the petition fee.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee ($810 for a small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

If a petition under 37 CFR 1.137(b) is filed instead of a request for reconsideration under 37 CFR 1.137(a), petitioner may request the $65 paid August 3, 2009, be applied towards the $810 petition fee and only submit $745 for the fee.

A blank petition under 37 CFR 1.137(b) form is enclosed for petitioner's convenience. A PDF "fillable" version of the form can be found at: http://www.uspto.gov/web/forms/sb0064.pdf.

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

Enclosures: Petition Under 37 CFR 1.137(b) Form
Privacy Act Notice

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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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MAR 27 2009

OFFICE OF PETITIONS

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

In re Application of :
LINNER, Jonathon :
Application No. 11/602,917 : DECISION ON PETITION
Filed: November 20, 2006 : TO WITHDRAW
Attorney Docket No. **PA3511US** : FROM RECORD
:

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 20, 2009.

The request is not approved because it is **moot**.

A review of the file record indicates that the power of attorney to CARR & FERRELL LLP has been revoked by the assignee of the patent application on March 12, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **FENWICK & WEST LLP**
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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.
11/602,987	11/22/2006	Dong-Jin Seol	0001.1259	1193

7590 12/17/2008

STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER	
VILLALUNA, ERIKA J	
ART UNIT	**PAPER NUMBER**
2852	
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.

Nomi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
12/17/2008 0030064679

Credit Card Refund Total: $800.00

Am Exp..: XXXXXXXXXXX1007

Adjustment date: 12/17/2008 NFARMER
11/24/2006 FMETEKI1 00000021 11602987
02 FC:1111 -500.00 OP
04 FC:1202 -300.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/602,993	11/22/2006	Kil-soo Jung	1293.1736D1	1207

7590 01/30/2009

STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER	
HERNDON, HEATHER R	

ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
01/30/2009	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.

Patent Publication Branch
Office of Data Management

Refund Ref:
02/04/2009 0030066269

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1007

Adjustment date: 02/04/2009 NFARMER
06/13/2007 INTEFSW 00002937 11602993
01 FC:1201 -200.00 OP

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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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/603,047	11/22/2006	Hiroyuki Nagasaka	Q98498	9952

7590 05/21/2009

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
GHAYOUR, MOHAMMAD H	

ART UNIT	PAPER NUMBER
2611	

MAIL DATE	DELIVERY MODE
05/21/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Repln. Ref: 05/21/2009 BPOWELL 0009533800
DA#:194880 Name/Number:11603047
FC: 9204 $900.00 CR

Adjustment date: 05/21/2009 BPOWELL
11/24/2006 SFELEKE1 00000043 11603047
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP
05 FC:1202 -200.00 OP

Repln. Ref: 05/21/2009.BPOWELL 0009533800
DA#:194880 Name/Number:11603047
TC: 9204 $900.00 CR

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United States Patent and Trademark Office
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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

Mail Date: 04/20/2010

Applicant	: Teruo Wakashiro	: DECISION ON REQUEST FOR
Patent Number	: 7610124	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/603,062	: 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 **138** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314

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JUL 11 2007

OFFICE OF PETITIONS

In re Application of	:	
Palmar I. Gudnason et al.	:	
Application No. 11/603,067	:	DECISION GRANTING PETITION
Filed: November 22, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. GUDN3003C1/JJC	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 3, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 13, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 3772 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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

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DIW May-07

HOGAN & HARTSON LLP
IP GROUP, COLUMBIA SQUARE
555 THIRTEENTH STREET, N.W.
WASHINGTON DC 20004

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MAY 23 2007

OFFICE OF PETITIONS

In re Application of	:	
Nakayama et al.	:	
Application No. 11/603,083	:	DECISION ON PETITION
Filed: 11/22/2006	:	
Atty Docket No. 19629-0030	:	

This is a decision on the petition under 37 CFR 1.57(a), filed on 27 February, 2007, requesting that the above-identified application be accorded a filing date of 22 November, 2006, with one (1) sheet of drawings containing Figure 1 as a part of the original disclosure.

The petition is dismissed.

On 22 November, 2006, the instant application was deposited without drawings.

Accordingly, on 28 December, 2006, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing date because the application had been deposited without drawings. A two month period for reply was set.

In response, on 27 February, 2007, the present petition and a preliminary amendment, including one (1) sheet of drawings containing Figure 1, were filed.

Petitioners admit that the one (1) sheet of drawings was inadvertently omitted from the application papers filed on 22

November, 2006, but state that this application claims benefit under 35 U.S.C. § 119(a)-(d) of prior-filed Japanese application No. 2005-340538, filed on 25 November, 2005, which contains the omitted sheet of drawings.

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).[1] A review of the record reveals that Claims 23-27 are method claims. Therefore, the present application is deemed to be an application which does not require a drawings for an understanding of the invention.

In view of the above, the "Notice" mailed on 28 December, 2006, was mailed in error and is hereby withdrawn.

MPEP 201.06(c)(IV) states that:

> For applications filed on or after September 21, 2004, a claim under 35 U.S.C. 120 and 37 CFR 1.78 for benefit of a prior-filed nonprovisional application or international application designating the U.S. that was present on the filing date of the continuation or divisional application is considered an incorporation by reference of the prior-filed application as to inadvertently omitted material, subject to the conditions and requirements of 37 CFR 1.57(a).[2]

MPEP 201.06(c)(IV)(B) further states that:

> If an application as originally filed included a proper explicit incorporation by reference statement (or an explicit incorporation by reference statement that has been made effective under 37 CFR 1.57(g)), the omitted specification page(s) and/or drawing figure(s) may be added by amendment provided the omitted item(s) contains only subject matter in common with a document that has been properly incorporated by reference. If the Office identified the omitted item(s) in a "Notice of Omitted Item(s)," applicant need not respond to the "Notice of Omitted Item(s)." Applicant should, however, submit the amendment adding the omitted material prior to the first Office action to avoid delays in the

---

[1] MPEP 601.01(f).

[2] MPEP 201.06(c)(IV) further states that an incorporation by reference of the prior application(s) will permit an applicant to amend the continuing application to include any subject matter in such prior application(s), without need for a petition. (emphasis added)

prosecution of the application. See MPEP § 601.01(d) and § 601.01(g).

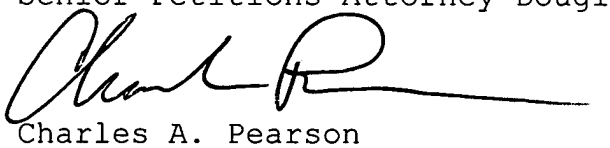
Receipt of the preliminary amendment, including the one (1) sheet of drawings, filed on 27 February, 2007, is acknowledged. The amendment will be reviewed by the examiner for new matter.

As the petition was necessitated by an error on the part of the USPTO, the petition fee will be refunded to counsel's deposit account.

The application will be processed and examined with a filing date of 22 November, 2006, using only the application papers present on filing. The preliminary amendment, including the drawing sheet, will be considered by the examiner in due course.

The application will be referred to the Office of Initial Patent Examination for further processing with a filing date of 22 November, 2006, using only the application papers present on filing.

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.



Charles A. Pearson
Director, Office of Petitions

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

Mail Date: 04/21/2010

Applicant	: Hiromi Matsushige	: DECISION ON REQUEST FOR
Patent Number	: 7644199	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/603,129	: 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 **414** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

DEC 14 2006

In re Application of: CAUSSE et al. Serial No.: 11/603,195 Filed: November 22, 2006 Title: AUTOMATIC PATTERN MAKING APPARATUS	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 November 22, 2006 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

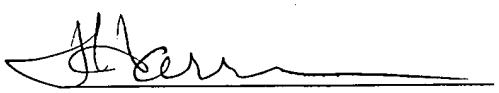
The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not complete under 37 CFR 1.51 and in condition for examination at the time of filing. The application included a preliminary amendment at the time of filing. As stated in the Notice of June 26, 2006 (71 Fed. Reg. 36327) in part VIII Conditions for Examination at section (K): no preliminary amendments present on the filing date of the application. As a

preliminary amendment is present in the application on the date of filing, the application is not in condition for examination.

The changes to the accelerated examination program set forth in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323) are exhaustive. A copy is being attached to the mailed decision for petitioner's review.

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

Any inquiry regarding this decision should be directed to J. Harrison, TC 3700 Special Program Examiner, at (571) 272-4449.



J. Harrison
Special Program Examiner
Technology Center 3700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/603,212	11/22/2006	Shoji Nagao	1046.1417	9351

7590 05/01/2009

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

EXAMINER	
MEHTA, BHAVESH M	

ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
05/01/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Repln. Ref: 05/04/2009 BPOWELL 0016375700
DAM:193935 Name/Number:11603212
FC: 9204 $1600.00 CR

Adjustment date: 05/04/2009 BPOWELL
11/24/2006 HGUYEN1 00000040 11603212
02 FC:1111 -500.00 OP
04 FC:1201 -600.00 OP
05 FC:1202 -500.00 OP

Repln. Ref: 05/04/2009 BPOWELL 0016375700
DAH:193935 Name/Number:11603212
FC: 9204 $1600.00 CR

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

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DEC 0 4 2009

OFFICE OF PETITIONS

In re Application of :
Jeffrey L. Brandt :
Application No. 11/603,264 :
Filed: November 21, 2006 :
Attorney Docket No. 8285/869 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed October 13, 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 Brinks Hofer Gilson & Lione 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. A review of the record shows that there is no Power of Attorney in the above-identified application.

All future communications from the Office will continue to be directed solely to the address of record until proper instructions have been received.

There are no outstanding Office actions that require a reply from the applicant.

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

Alicia Kelley
Petitions Examiner
Office of Petitions

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MAR 23 2010

OFFICE OF PETITIONS

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

In re Application of	:	
Mathias SCHULZ	:	
Application No. 11/603,265	:	DECISION ON PETITION
Filed: November 21, 2006	:	TO WITHDRAW
Attorney Docket No. 11336/1551 (P03133US)	:	FROM RECORD
	:	

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 12, 2010.

The request is **APPROVED**.

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

The request was signed by Sanders N. Hills on behalf of the attorneys of record associated with Customer No. 81166.

The attorneys of record associated with Customer No. 81166 have been withdrawn.

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

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

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

cc: MATTHIAS SCHULZ
SILCHERWEG 39
WESTERSTETTEN 89198
GERMANY

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/603,265	11/21/2006	Matthias Schulz	11336/1551 (P03133US)

CONFIRMATION NO. 8283

POWER OF ATTORNEY NOTICE

81166
HARMAN - BRINKS HOFER CHICAGO
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

OC000000040731828

Date Mailed: 03/22/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/12/2010.

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

/dcgoodwyn/

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

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Patent Administrator
Katten Muchin Rosenman LLP
1025 Thomas Jefferson Street, N.W.
East Lobby: Suite 700
Washington, DC 20007-5201

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MAY 12 2008

In re Application of	:	
John T. Cook	:	
Application No. 11/603,312	:	DECISION ON PETITION
Filed: November 21, 2006	:	TO WITHDRAW
Attorney Docket No. 333821-00004	:	FROM RECORD
	:	

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 21, 2006.

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

A review of the file record indicates that the power of attorney to Katten Muchin Rosenman LLP has been revoked by the assignee of the patent application on January 10, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Quiteso Technologies, LLC**
c/o Jeanne Aleksiewicz
2410 Adams Drive
Lisle, IL 60532

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FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON, MA 02110

Mail Date: 05/21/2010

Applicant	: Patrick A. Anquetil	: DECISION ON REQUEST FOR
Patent Number	: 7658868	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/603,314	: 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 **438** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/21/2010

Applicant	: J. Peter Hoddie	: DECISION ON REQUEST FOR
Patent Number	: 7659896	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/603,351	: 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 **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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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

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AUG 20 2007

OFFICE OF PETITIONS

In re Application of
Kenneth L. Lipow and Dennis Gregoris
Application No.11/603,352
Filed: November 20, 2006
Attorney Docket No. 347168003US
Title of Invention: Surgical Robot and Robotic Controller

DECISION GRANTING STATUS UNDER 37 CFR 1.47(A)

This is in response to the petition under 37 CFR 1.47(a) filed July 12, 2007.

The petition is GRANTED.

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

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

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

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

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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Kenneth L. Lipow
267 Grant Street
Bridgeport, California 06610

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AUG 20 2007

LETTER OFFICE OF PETITIONS

In re Application of
Kenneth L. Lipow and Dennis Gregoris
Application No.11/603,352
Filed: November 20, 2006
Attorney Docket No. 347168003US
Title of Invention: Surgical Robot and Robotic Controller

Dear Mr. Lipow:

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

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

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247
ATTN: Paul T. Parker

cc: Carl H. Pierce, Reed Smith LLP, 1650 Market Street, Philadelphia, PA 19103-7301

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/603,383	11/21/2006	Tae-In Hyon	1235-195	1638

7590 11/26/2008

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

EXAMINER	
BOST, DWAYNE D	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
11/26/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Refund Ref:
11/28/2008 NFARMER 0000165302

CHECK Refund Total: $900.00

Adjustment date: 11/28/2008 NFARMER
11/24/2006 WABDELR1 00000128 11603383
02 FC:1111 -500.00 OP
04 FC:1201 -400.00 OP

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Charles N. J. Ruggiero
OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.
10th FLOOR
ONE LANDMARK SQUARE
STAMFORD CT 06901-2683

MAILED

MAR 05 2009

OFFICE OF PETITIONS

In re Application of	:	
Leib et al.	:	
Application No.: 11/603388	:	DECISION ON
Filing or 371(c) Date: 11/22/2006	:	PETITION
Attorney Docket Number: 2133.026USV	:	

This is a decision in response to the "Petition to Withdraw the Holding of Abandonment Under 37 C.F.R. 1.181(a)," filed January 23, 2009.

This Petition is hereby **dismissed**.

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

Background

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed May 29, 2008. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on August 30, 2008. A Notice of Abandonment was mailed December 11, 2008.

The present petition

Applicant files the present petition and asserts that a timely reply to the Office action, along with a three (3) month extension of time was filed and included a Certificate of Mailing dated December 1, 2008. In support of this assertion Applicant files a copy of his return-receipt postcard acknowledging receipt by this Office of, *inter alia*, an Amendment and Request for Extension of Time, and a check in the amount of $1110.00 on December 3, 2008.

Office records

A review of Office records reveals that this Office received an Amendment filed December 3, 2008, along with the fee for a three (3) month extension of time. A review of the Amendment reveals that it contains a Certificate of Mailing under 37 CFR 1.8 executed by Ruth J. Olivo. However, a review of the present petition reveals that no statement from Ms. Olivo has been included therewith.

Applicable Law, Rules and MPEP

37 CFR 1.8(b), Certificate of mailing or transmission, states:

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

37 CFR 1.8(b)

Analysis/Conclusion

While Applicant has demonstrated that a reply to the Office action was filed on December 3, 2008, Applicant has failed to demonstrate that the reply should be considered as having been timely filed in accordance with 37 CFR 1.8(a). Applicant has failed to comply with 37 CFR 1.8(b)(3). In this regard, a statement from Ms. Olivo, which attests on a personal knowledge basis to the previous timely mailing or transmission, is required.

The petition is dismissed without prejudice. Applicant should file a request for reconsideration of petition and include the necessary statement.

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

By mail:	Director for Patents PO Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Charles N. J. Ruggiero
OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.
10th FLOOR
ONE LANDMARK SQUARE
STAMFORD CT 06901-2683

MAILED

JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Leib et al.	:	
Application No.: 11/603388	:	DECISION ON
Filing or 371(c) Date: 11/22/2006	:	PETITION
Attorney Docket Number: 2133.026USV	:	

This is a decision in response to the "Renewed Petition to Withdraw the Holding of Abandonment Under 37 C.F.R. 1.181(a)," filed May 8, 2009.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed May 29, 2008. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on August 30, 2008. A Notice of Abandonment was mailed December 11, 2008.

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

The holding of abandonment is hereby withdrawn.

The application will be referred to Technology Center Art Unit 2873 for re-mailing of the Office action and for e-setting the period for reply.

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

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

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OFFICE OF PETITIONS

CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE NY 11747

In re Application of
Jean-Claude Sgro et al
Application No. 11/603,389
Filed: November 22, 2006
Attorney Docket No. 1600-37 CON
(BR057203)

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 November 6, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for benefit of priority to the prior-filed application set forth in the concurrently filed amendment.

The petition is **DISMISSED AS MOOT.**

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

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

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

In view of the above, the $1,410.00 petition fee submitted is unnecessary and will be refunded to petitioner's deposit account in due course.

Any questions concerning this decision on petition 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 referred to Technology Center AU 3734 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.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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BARNES & THORNBURG LLP
600 ONE SUMMIT SQUARE
FORT WAYNE IN 46802

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JAN 0 3 2008

OFFICE OF PETITIONS

In re Application of
Hasan et al.
Application No. 11/603,399
Filed: November 22, 2006
Attorney Docket No. 27524/83097
Title: System For Communication of Health Care Data

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the "Petition Under 37 CFR 1.183 Requesting Waiver Of The Requirement of 37 CFR 1.64" filed May 16, 2007 (certificate of mailing October 18, 2006). This petition is properly treated under 37 CFR. §1.47(a).

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

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

The above-identified application was filed on November 22, 2006, without an executed oath or declaration. Accordingly, on December 18, 2006, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision an executed oath or declaration in compliance with §1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of February 18, 2007. Pursuant to petitioner's request deposit account 02-1010 will be charged the three month extension of time ($510) to make the reply timely.

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

Rule 47 applicant has failed to demonstrate that inventors Post and Korpman cannot be reached or refuse to sign the oath or declaration after having presented with the application papers. Rule 47 applicant has only presented evidence of an attempt to present application papers for the prior application no. 10/381,158.

Unless petitioner is using a copy of the declaration from the prior application for which 47 status was granted, Rule 47 applicant is required to send a copy of application papers (specification, claims and drawings) for application 11/603,399 to inventors Post and Korpman. Before a refusal can be alleged, applicant must demonstrate a bona fide attempt was made to present a copy of application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventors. See MPEP 409.03(d).

The petition filed under 37 CFR 1.183 which was granted in parent application (10/381,158) was to waive the requirements to have inventors Post and Korpman reexecute the declaration after an inventor was added under 37 CFR 1.48. Such waiver does not equate to the establishment of status under 37 CFR 1.47.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BARNES & THORNBURG LLP
600 ONE SUMMIT SQUARE
FORT WAYNE IN 46802

In re Application of	:	
Hasan et al.	:	DECISION REFUSING STATUS
Application No. 11/603,399	:	UNDER 37 CFR 1.47(a)
Filed: November 22, 2006	:	
Attorney Docket No. 27524/83097	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed June 3, 2008 and supplemented on September 30, 2008.

The petition is dismissed.

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

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

As to item (2), although a signed declaration has been provided for inventors Korpman and Post, a review of the declarations submitted shows that the declaration executed by inventors Hasan, Wallen and Peterson references application no. 10/381,158. The declaration executed by Korpman and Post references the current application (11/603,399). A new declaration executed by inventors Hasan, Wallen and Peterson referencing application no. 11/603,399 is required.

It should further be noted the Office is not convinced that petitioner may rely on the declaration from parent application no.10/381,158.

Pursuant to 37 CFR 1.63(d)(iv):

> A newly executed oath or declaration is not required under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application, provided that... a copy of the executed oath or

declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application.

37 CFR 1.63 (d)(3)(1) states:

> Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by: (i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c).

The supplemental declaration from prior application no. 10/381,158 was not fully executed because it did not contain the signatures of Korpman and Post. Further 37 CFR 1.47 was never granted in the prior application. A petition under 37 CFR 1.183 seeking waiver of a completely signed supplemental declaration was granted in prior application no. 10/381,158. The granted petition under 37 CFR 1.183 allowed for the supplemental declaration to be accepted without the re-execution of the supplemental declaration by Korpman and Post. Petitioner cannot use the previous grant of the 1.183 petition in the prior application to circumvent the need to submit a grantable petition under 37 CFR 1.47 to the extent a proper joinder is not submitted.

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

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

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

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

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

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

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600 ONE SUMMIT SQUARE
FORT WAYNE IN 46802

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MAR 27 2009

OFFICE OF PETITIONS

In re Application of :
Hasan et al. : DECISION REFUSING STATUS
Application No. 11/603,399 : UNDER 37 CFR 1.47(a)
Filed: November 22, 2006 :
Attorney Docket No. 27524/83097 :

This is in response to the renewed petition under 37 CFR 1.47(a), filed February 12, 2009.

The petition is dismissed.

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

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

As to item (2) although petitioner has provided a fully executed declaration, the signature block of inventor Peterson contains non-initialed changes to the declaration. 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. Petitioner must submit either an executed declaration from Mr. Peterson or a signed (37 CFR 1.33(b)) supplemental application data sheet pursuant to 37 CFR 1.63 (c)(1).

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

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

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

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

BARNES & THORNBURG LLP
600 ONE SUMMIT SQUARE
FORT WAYNE IN 46802

In re Application of
Hasan Malik, J. Dominic Wallen, John C. Peterson, Cindy A. Post and Ralph A. Korpman
Application No. 11/603,399
Filed: November 22, 2006
Attorney Docket No. 27524/83097

: DECISION NOTING JOINDER OF INVENTOR AND PETITION UNDER 37 CFR 1.47(a)

Papers filed on April 21, 2009 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed March 27, 2009, included a Declaration signed by a previously non-signing inventors, Post and Korpman, in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

This application is being referred to AU 3626.

Telephone inquiries should be directed to Charlema Grant at (571) 272-3215

Charlema Grant
Petitions Attorney
Office of Petitions

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ABSOLUTE TECHNOLOGY LAW GROUP, LLC
135 W. WELLS, SUITE 518
MILWAUKEE, WI 53203

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OFFICE OF PETITIONS

In re Application of	:	
James IMBRIE	:	
Application No. 11/603,401	:	DECISION ON PETITION
Filed: November 22, 2006	:	TO WITHDRAW
Attorney Docket No. IMBRIE-NP-1106	:	FROM RECORD
	:	

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 8, 2008.

The request is **APPROVED**.

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

The request was signed by Jill Gilbert Welytok on behalf of the attorneys of record associated with Customer No. 57520.

The attorneys of record associated with Customer No. 57520 have been withdrawn.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JAMES IMBRIE
3613 W. BRITTANY COURT
MEQUON, WI 53092

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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RR Law Firm
(Attn: Paul L. Ratcliffe)
42870 Meander Crossing Ct.
Ashburn VA 20148

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OFFICE OF PETITIONS

In re Application of Paul Boden :
Application No. 11/603,414 : Decision on Petition
Filing Date: **February 12, 2007** :
Attorney Docket No. BOD-UTL-001 :

This is a decision on the petition filed February 12, 2007, to accord the above-identified application a filing date of November 22, 2006.

The petition is **dismissed**.

Application papers were submitted on November 22, 2006.[1]

The application papers were filed with a self-addressed postcard receipt.

When the Office receives correspondence including a self-addressed postcard receipt, an employee verifies that the documentation listed on the postcard is present, stamps it, and then mails it back to the applicant.

The Office reviewed the application papers and the postcard receipt and mailed the postcard receipt back to petitioner with the following notation: "The PTO did not receive the following listed item(s) claims and abstract."

On December 14, 2006, the Office of Initial Patent Examination mailed a Notice stating a claim and abstract were not present and a filing date had not been accorded. The Notice stated, unless a petition was filed and granted, the filing date would be the date of receipt of at least one claim.

In response, the present petition was filed alleging that 5 claims were filed on November 22, 2006.

All the evidence present in the file has been carefully considered, but is not persuasive that one or more claims were submitted with the original application papers.

Petitioner has submitted declarations supporting petitioner's assertions claims and an abstract were prepared with an intent to file the papers with the original application.

[1] November 22, 2006, is the date the papers were mailed by Express Mail. The papers were physically received by the USPTO on November 24, 2006.

The declaration of attorney Paul Ratcliffe states,

> I reviewed the application, verified all pages were present, and then deposited the entire and complete patent application including five (5) claims and an Abstract into an Express Mail envelope.

An applicant alleging that a paper was filed in the USPTO and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

Declarations by individuals involved in the preparation and filing of the original application reciting their personal recollection or belief of what was contained in the application that they reviewed are generally not more persuasive of what was actually filed in the USPTO than the contents of the application file.[2]

The official government record, maintained by disinterested USPTO employees as a part of their customary and usual duties, indicates the pages at issue were not filed on November 22, 2006. The declarations have been considered. However, petitioner has not established the declarations have more probative value than the official government record of what was actually received in the USPTO on November 22, 2006. Therefore, petitioner has failed to prove that one or more claims were filed on November 22, 2006.

At this time, the Office of Office of Initial Patent Examination will be informed of the instant decision and will further process the application with a filing date of February 12, 2007, the date the missing parts were supplied, using the application papers filed on November 22, 2006, and the sheet of claims and the abstract sheet filed February 12, 2007.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

---

[2] Honigsbaum v. Lehman, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995), aff'd without opinion, 95 F.3d 1166 (Fed. Cir.1996) stated,

> Plaintiff thereafter submitted three affidavits, a declaration, and copies of two pages of records from his attorney's law firm, but the Commissioner finally denied plaintiff's petition for a filing date. . . . Nothing submitted by plaintiff to the Patent and Trademark Office is corroborated by anything outside the office of the submitting counsel. . . . The decision was for the Commissioner to make, and I cannot find on the basis of the record presented to me that the Commissioner's decision was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

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OFFICE OF PETITIONS

VISTA IP LAW GROUP LLP
1885 LUNDY AVENUE, SUITE 108
SAN JOSE, CA 95131

In re Application of

Kenji YOSHIDA, et al.
Application No. 11/603,441
Filed: November 21, 2006
Attorney Docket No. **06PA012US01**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 3, 2009.

The request is **APPROVED**.

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

The request was signed by Peter Mei 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 assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

The application became abandoned for failure to timely respond to the office action mailed December 30, 2008.

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

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

cc: **D2S, INC.**
4040 MOORPARK AVENE, SUITE 250
SAN JOSE, CA 95117

cc: **CANDENCE DESIGN SYSTEMS, INC.**
C/O THE MULLER LAW OFFICE, PC.
12951 HARWICK LANE
SAN DIEGO, CA 92130

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

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MAR 2 0 2008

OFFICE OF PETITIONS

In re Application of :
Kerry D. MALETSKY :
Application No. 11/603,445 : DECISION ON PETITION
Filed: November 22, 2006 : TO WITHDRAW
Attorney Docket No. 4062P : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 12, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because the attorneys of record were not appointed by customer number.

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

There are no outstanding Office actions pending at the present time.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SCHWEGMAN, LUNDBERG
WOESSNER/ATMEL
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Uwe Konzelmann	: DECISION ON REQUEST FOR
Patent Number	: 7661304	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/603,453	: 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 **30** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Robert Samuel Smith
1263 Emory St.
San Jose CA 95126

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FEB 2 6 2009

OFFICE OF PETITIONS

In re Application of

David Lai

Application No. 11/603,467

Filed: November 21, 2006

Attorney Docket No. RSDL4

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed January 29, 2009.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on April 20, 2008, after it was believed that no response was received to the election/restriction requirement mailed March 19, 2008. The notice allowed a shortened period for reply of one (1) month from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on October 14, 2008, indicating that a reply to the notice was not received.

A review of the application file record revealed that a response to the election/restriction requirement was filed on April 1, 2008. The response was misrouted due to applicant's error in citing the application serial number. Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the shortened statutory period for reply. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded Technology Center 3600, GAU 3641, for further processing, including processing of the response filed April 1, 2008.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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MAR 17 2008

SAWYER LAW GROUP LLP
P O BOX 51418
PALO ALTO, CA 94303

In re Application of :
MALETSKY, Kerry D. :
Application No. 11/603,474 : DECISION ON PETITION
Filed: November 22, 2006 : TO WITHDRAW
Attorney Docket No. **3831P** : FROM RECORD
:

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 03, 2008.

The request is not approved because it is moot.

A review of the file record indicates that the power of attorney to Sawyer Law Group LLP has been revoked by the assignee of the patent application on 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 the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **SCHWEGMAN, LUNDBERG & WOESSNER / ATMEL**
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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MAR 20 2008

In re Application of :
Kerry D. MALETSKY :
Application No. 11/603,495 : DECISION ON PETITION
Filed: November 22, 2006 : TO WITHDRAW
Attorney Docket No. 4069P : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 12, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because the attorneys of record were not appointed by customer number.

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

There are no outstanding Office actions pending at the present time.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SCHWEGMAN, LUNDBERG
WOESSNER/ATMEL
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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Yahoo c/o Mofo Palo Alto
755 Page Mill Road
Palo Alto, CA 94304

In re Application of :
Lukasz Wojewoda et al. :
Application No. 11/603,496 : DECISION ON PETITION
Filed: November 22, 2006 : TO WITHDRAW
Attorney Docket No. 324212011520 : FROM RECORD
:

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 24, 2010.

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

A review of the file record indicates that the power of attorney to all attorneys/agents associated with customer number 76102 have been revoked by the assignee of the patent application on April 16, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Yahoo! Inc. c/o Greenberg Traurig, LLP
Met Life Building
200 Park Avenue
New York, NY 10166

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/603,496	11/22/2006	Lukasz Wojewoda	324212011520

CONFIRMATION NO. 2156

POWER OF ATTORNEY NOTICE

76102
YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

Date Mailed: 04/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/16/2010.

- 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).

/kainabinet/

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

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RENNER KENNER GREIVE BOBAK TAYLOR & WEBER
FIRST NATIONAL TOWER FOURTH FLOOR
106 S. MAIN STREET
AKRON, OH 44308

Mail Date: 04/21/2010

Applicant	: Shigeru Kawase	: DECISION ON REQUEST FOR
Patent Number	: 7643388	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/603,497	: 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 **594** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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GORDON E. NELSON
PATENT ATTORNEY PC
57 CENTRAL STREET
P.O. BOX 782
ROWLEY MA 01969

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JAN 14 2010

OFFICE OF PETITIONS

In re Application of :
Stephen John VIVIAN, et al :
Application No. 11/603,503 : DECISION ON PETITION
Filed: November 22, 2006 :
Attorney Docket No. ORACLE01.059 :

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

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before October 9, 2009. As required by the Notice of Allowance and Fee(s) Due, mailed July 9, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 10, 2009.

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

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

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

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

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PATRICK G. BURNS, ESQ.
GREER, BURNS & CRAIN, LTD.
SUITE 2500
300 SOUTH WACKER DR.
CHICAGO IL 60606

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JUL 17 2009

OFFICE OF PETITIONS

In re Application of
Takashi Gouke
Application No. 11/603,520
Filed: November 21, 2006
Attorney Docket No. 0941.77063

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 July 14, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 15, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1794 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed 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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PATTERSON, THUENTE, SKAAR & CHRISTENSEN, PA
4800 IDS CENTER
80 SOUTH 8TH PLACE
MINNEAPOLIS, MN 55402-2100

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JUL 0 1 2008

OFFICE OF PETITIONS

Applicant: Gustafson
Appl. No.: 11/603,554
Filing Date: November 22, 2006
Title: VOICE ACTIVATED MAMMOGRAPHY INFORMATION SYSTEMS
Attorney Docket No.: 3080.16US02
Pub. No.: 2007/0118384-A1
Pub. Date: May 24, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on July 23, 2007, for the above-identified application.

The request is granted.

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

The amendment received by the Office on February 14, 2007, from another law firm, which included the above-identified application number and was scanned into this application and published has been removed from the application.

It would greatly benefit the Office if the request for corrected publication pointed out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

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

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

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Patterson, Thuente, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2100

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OFFICE OF PETITIONS

In re Application of	:	
Shaleen Torjesen	:	
Application No. 11/603,559	:	DECISION ON PETITION
Filed: November 22, 2006	:	TO WITHDRAW
Attorney Docket No. 3838.01US02	:	FROM RECORD
	:	

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 22, 2008.

The request is **APPROVED**.

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

The request was signed by J. Paul Haun 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 Shaleen Torjesen 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: **Shaleen Torjesen**
1745 Evergreen Lane
Plymouth, MN 55441

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/603,559	11/22/2006	Shaleen Torjesen	3838.01US02

CONFIRMATION NO. 1760

POWER OF ATTORNEY NOTICE

24113
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

OC000000032359569

Date Mailed: 09/30/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/22/2008.

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

/tswilliams/

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

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OFFICE OF PETITIONS

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

In re Patent No. 7,421,170 :
Issued: September 2, 2008 : LETTER REGARDING PTA AND
Application No. 11/603,575 : CERTIFICATE OF CORRECTION
Filed: November 22, 2006 :
Atty. Dkt. No.: 03500.015667.2 :

This decision is in response to the "COMMENTS ON DETERMINATION OF PATENT TERM ADJUSTMENT," filed October 7, 2008. The Office thanks patentees for their good faith and candor in bringing this to our attention.

The above-identified application matured into U.S. Patent No. 7,421,170 on September 2, 2008. The patent issued with a patent term adjustment (PTA) of 71 days. Patentees indicate that this adjustment appears to indicate an incorrect number of days determined for the USPTO Delay and/or for the Applicants' Delay. Patentees direct the Office's attention to submissions dated July 29, 2008 and August 5, 2008. Patentees' also direct the Office's attention to the calculation related to the issue fee payment and submit that the two day reduction in this regard overlaps with the 120 day reduction accorded in connection with the drawings and Rule 312 amendment filed June 22, 2007.

As asserted by patentees, the reduction of two days accorded under 37 CFR 1.704(b) in connection with the issue fee payment on June 25, 2007 does overlap with the 120 day reduction accorded under 37 CFR 1.704(c)(10) in connection with the submission of drawings and a Rule 312 amendment on June 22, 2007.

As also asserted by patentees, the Office neglected to asses a reduction of 36 days in connection with the drawings submitted July 29, 2008 (it is noted that additional drawings were submitted on August 5, 2008). In accordance with 37 CFR 1.704(c)(10), the reduction commenced July 29, 2008, the date that the drawings were submitted, and ended September 2, 2008, upon issuance of the patent.

Accordingly, at the time of issuance, the patent was entitled to an adjustment of 37 days (adjustment of 313 days less reductions of 276 days).

No additional fee has been assessed in connection with this matter.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 37 days.

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

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT	:	7,421,170 B2
DATED	:	September 2, 2008
INVENTOR(S)	:	Kajiwara, et al.

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

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 71 days

Delete the phrase "by 71 days" and insert – by 37 days--

Day : Thursday
Date: 6/18/2009

PALM INTRANET

Time: 16:17:00

PTA Calculations for Application: 11/603575			
Application Filing Date:	11/22/2006	PTO Delay (PTO):	313
Issue Date of Patent:	09/02/2008	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	242
Post-Issue Petitions:	0	Total PTA (days):	37
PTO Delay Adjustment:	-34		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
67	06/18/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		36	
66	06/18/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	2		
60	09/02/2008	PATENT ISSUE DATE USED IN PTA CALCULATION	313		35
59	08/06/2008	TC RETURN TO PUBS			
58	08/01/2008	WORKFLOW - QUERY REQUEST - BEGIN			
57	07/02/2008	TC RETURN TO PUBS			
56	07/17/2008	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
55	07/17/2008	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
54	07/02/2008	WORKFLOW - QUERY REQUEST - BEGIN			
53	07/02/2008	WORKFLOW - QUERY REQUEST - BEGIN			
52	06/19/2008	EXPORT TO FINAL DATA CAPTURE			
51	06/18/2008	DISPATCH TO FDC			
50	06/18/2008	MAIL RESPONSE TO 312 AMENDMENT (PTO-271)			
49	06/17/2008	RESPONSE TO AMENDMENT UNDER RULE 312			
48	01/28/2008	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		120	50
47	01/28/2008	MISCELLANEOUS INCOMING LETTER		0	56
46	01/28/2008	WORKFLOW - DRAWINGS FINISHED		0	56
45	10/10/2007	TC RETURN TO PUBS			
44	11/28/2007	WORKFLOW - QUERY REQUEST - FINISH			
43	11/27/2007	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
42	11/26/2007	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			

41	10/10/2007	WORKFLOW - QUERY REQUEST - BEGIN			
40	10/10/2007	WORKFLOW - QUERY REQUEST - BEGIN			
39	10/04/2007	APPLICATION IS CONSIDERED READY FOR ISSUE			
38	10/04/2007	MAIL RESPONSE TO 312 AMENDMENT (PTO-271)			
37	10/01/2007	RESPONSE TO AMENDMENT UNDER RULE 312			
36	06/22/2007	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		105	38
35	06/25/2007	ISSUE FEE PAYMENT VERIFIED		2	25
34	06/22/2007	WORKFLOW - DRAWINGS FINISHED		15	43
33	06/25/2007	ISSUE FEE PAYMENT RECEIVED			
32	06/12/2007	FINISHED INITIAL DATA CAPTURE			
31	06/04/2007	WORKFLOW - QUERY REQUEST - FINISH			
30	05/29/2007	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
29	05/25/2007	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
28	05/04/2007	WORKFLOW - QUERY REQUEST - BEGIN			
27	04/12/2007	PG-PUB ISSUE NOTIFICATION			
26	03/28/2007	EXPORT TO INITIAL DATA CAPTURE			
25	03/23/2007	MAIL NOTICE OF ALLOWANCE			
24	03/23/2007	MAIL EXAMINER'S AMENDMENT			
23	03/21/2007	DOCUMENT VERIFICATION			
22	03/21/2007	ISSUE REVISION COMPLETED			
21	03/21/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
20	03/12/2007	EXAMINER'S AMENDMENT COMMUNICATION			
19	03/12/2007	NOTICE OF ALLOWABILITY			
18	11/22/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
17	03/05/2007	CASE DOCKETED TO EXAMINER IN GAU			
16	01/17/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
15	11/22/2006	PRELIMINARY AMENDMENT			
14	11/22/2006	REFERENCE CAPTURE ON IDS			
13	11/22/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	12/18/2006	APPLICATION RETURN FROM OIPE			
11	12/18/2006	APPLICATION RETURN TO OIPE			

10	12/15/2006	APPLICATION RETURN FROM OIPE			
9	12/18/2006	APPLICATION IS NOW COMPLETE			
8	12/18/2006	PRE-EXAM OFFICE ACTION WITHDRAWN			
7	12/15/2006	APPLICATION RETURN TO OIPE			
6	12/15/2006	APPLICATION DISPATCHED FROM OIPE			
5	12/18/2006	APPLICATION IS NOW COMPLETE			
4	12/07/2006	CLEARED BY L&R (LARS)			
3	12/06/2006	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
2	11/30/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	11/22/2006	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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CHICAGO IL 60603

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OFFICE OF PETITIONS

In re Application of :
Stanley Doyle :
Application No. 11/603,578 : DECISION GRANTING
Filed: November 21, 2006 : PETITION
Attorney Docket No. 2033.74641/3926B :

This is a decision on the petition, filed October 29, 2007, requesting that the above-identified application be accorded a filing date of November 21, 2006, rather than the presently accorded date of November 22, 2006. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on November 21, 2006 pursuant to 37 CFR 1.10. The "date-in" on the copy of the Express Mail label receipt no. EV255528044US is illegible. The same Express Mail number is found on the original application papers located in the official file.

To substantiate petitioner's assertion that the package in question was deposited with the USPS as Express Mail on November 21, 2006, an independent search was made of the USPS Express Mail Track and Confirm records, which resulted in a finding that the package in question was in fact accepted on November 21, 2006 at the USPS. Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on November 21, 2006. Accordingly, the instant application is entitled to a filing date of November 21, 2006, and has been so accorded.

This application file is being returned to the Office of Patent Application Processing for correction of the filing date to **November 21, 2006** and issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3215. Telephone inquiries related to Office of Patent Application Processing should be directed to their hotline at (571) 272-4000.

Charlema Grant
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER, MN 55082

Mail Date: 04/21/2010

Applicant	: Kurt Karl Christenson	: DECISION ON REQUEST FOR
Patent Number	: 7592264	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/603,634	: 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 **28** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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JUN 19 2008

OFFICE OF PETITIONS

CASELLA & HESPOS
274 MADISON AVENUE
NEW YORK NY 10016

In re Application of :
Takemoto, et al. :
Application No. 11/603,645 : DECISION
Filed: 22 November, 2006 :
Attorney Docket No. P2156US :

This is a decision on the petition, filed on 24 March, 2008, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition as considered under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

A proper showing as to non-receipt requires at the very minimum: a statement from practitioner stating that the Office action was not received by the practitioner; a statement from the practitioner attesting to the fact that a search of the file jacket and docket records for the application indicates that the Office action was not received with a copy of those docket records; and a brief statement of the calendaring process and a copy of the due-date (calendar) docket record(s) where the nonreceived Office action would have been scheduled for reply had it been received must be attached to and referenced in the practitioner's statement.

Alternatively, for a showing of timely and proper reply: a statement from practitioner stating that the reply was timely submitted by the practitioner; and copies of all papers submitted as and/or in support of that reply, with/and a copy of the date-stamped receipt card, Office FAX receipt acknowledgement (not simply Petitioner's FAX transmittal), or EFS receipt acknowledgment

from the Office, along with practitioner's attestation as to the correctness/completeness of his/her records.

The showing(s) must include that of the person(s) with first-hand knowledge and an acknowledgment by the Petitioner that he/she has reviewed that information in compliance with his/her duty of candor to the Office.

BACKGROUND

The record reflects as follows:

This application was held abandoned for Petitioner's failure to reply timely and properly to a non-final Office action mailed on 20 July, 2007, with reply due absent extension of time on or before Monday, 22 October, 2007.

The application went abandoned after midnight 20 October, 2007.

The Office mailed the Notice of Abandonment on 13 March, 2008.

On 24 March, 2008, Petitioner filed the instant petition with, *inter alia*, an averment that a reply in the form of an amendment was filed timely and properly on 24 October, 2007, over a 22 October, 2007 certificate of mailing with a request and fee for extension of time, and Petitioner supports the averment with a copy of a date-stamped ("OCT 24 2007") receipt card and copies of the papers averred to have been filed—notably, however, the papers reveal and Petitioner acknowledges that he submitted the papers in question with the wrong application number, to wit: Application No. 10/603,645, rather than the proper designation of Application No. 11/603,645.

The Office will make an effort to assist practitioners if there is sufficient information on the filing to make possible identification of the proper application number (*See*: MPEP §508.03(III) and MPEP §724.05(III)). Nonetheless, consistent with his/her duty under *Pratt* to handle these matters in the vein of one's most important business affairs,[1] a practitioner must be cautious in preparation of his/her submissions (*See*:MPEP §502: "Application number (checked for accuracy, including series code and serial no.) ...").

The guidance in the Commentary at MPEP §711.03(c) sets forth the showing requirements for overcoming the presumptions herein.[2]

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[1] *Ex parte Pratt*, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

[2] The guidance in the Commentary at MPEP §711.03(c) as to non-received Office actions and timely filed replies is as follows:

A. Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the

(*See* MPEP §711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," alternatively "A Reply Was Timely Filed"; see also:

---

reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner **>describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.<

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

B. Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed

37 CFR 1.10(c) through 1.10(e) and 1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 CFR 1.10(c), (d), (e), or (g) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).

37 CFR 1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 CFR 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP § 512.

C. Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 CFR 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 CFR 1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 CFR 1.181(f).

Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 CFR 1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

"Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).)

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation– since all owe to the Office the continuing duty to disclose.[3]

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.

Allegations as to the Request to
Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.[4] (*See*, also, the commentary at MPEP §711.03(c)(I)(A) and (B).)

And the regulation requires that relief be sought within two (2) months of the act complained of.

Petitioner appears to have satisfied the showing requirements as discussed hereinabove.

CONCLUSION

The petition under 37 C.F.R. §1.181 is **granted**, and the 17 March, 2008, Notice of Abandonment is **vacated**.

The instant application is released to Technology Center/AU 3721 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Technology Center/AU in response to this

[3] 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).

[4] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

decision—and it is noted that all inquiries with regard to that change in status should be directed to the Technology Center/AU where that change of status must be effected.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[5] 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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JUN 29 2010

OFFICE OF PETITIONS

CARLSON, GASKEY & OLDS/PRATT & WHITNEY
400WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

In re Application of
Lawrence E. Portlock et al
Application No. 11/603,664
Filed: November 22, 2006
Attorney Docket No. 67097-941PUS1:01333-US

DECISION ON PETITION

This is a decision on the communication filed April 12, 2010, which is being treated as follows: "PETITION TO WITHDRAW HOLDING OF ABANDONMENT (37 CFR 1.181) OR, IN THE ALTERNATIVE, PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(B).

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

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

This application was held abandoned for failure to reply in a timely manner to the nonfinal Office Action mailed September 2, 2009. A Notice of Abandonment was mailed on March 16, 2010.

Petitioner asserts that the Office action dated September 2, 2009 was not received.

Applicant files the present petition and statement that the nonfinal Office Action from the U.S.P.T.O. was not received and attesting to the fact that a search of the file jacket and docket records indicates that the nonfinal Office Action was not received. A declaration by Tracey Belanger was submitted to confirm that the Office Action was not received by Carlson, Gaskey & Olds. Applicant provides a copy of the record of all docketing actions for the attorney docket number 67097-941, which is the file for the present application, printed on March 25, 2010.

The evidence provided for in the above petition has been considered but is not convincing to substantiate the granting of the petition to withdraw holding of abandonment under 37 CFR 1.181.

However, the petition under 37 CFR 1.137(b) to revive the above-identified application, is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal Office Action mailed September 2, 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 3657 for appropriate action by the Examiner in the normal course of business on the reply received April 12, 2010.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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Leopold Presser
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City NY 11530

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OFFICE OF PETITIONS

In re Application of	:	
Tran et al.	:	
Application No. 11/603694	:	
Filing or 371(c) Date: 11/23/2006	:	
Attorney Docket Number:	:	DECISION
20350	:	ON PETITION

This is a decision on the "Petition to Grant original Filing date and Response to Notice of Incomplete Nonprovisional Application", filed January 8, 2007, requesting the above-identified application be accorded a filing date of November 23, 2006, including one (1) drawing sheet.

The petition is granted to the extent indicated herein.

The application was filed on November 23, 2006. On December 18, 2006, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the present petition and avers that the application as-filed included one (1) drawing sheet. In support of this assertion, Applicant files a copy of his Transmittal Letter wherein Applicant notes that it indicates that a single sheet of formal drawing was included with the application. Applicant also asserts that a diligent search by this office will reveal the presence of the drawing sheet, or that the drawing was inadvertently separated from the application papers by Office personnel.

Applicable Law, Rules and MPEP

The MPEP provides

> If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item.
>
> The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all items listed thereon on the date stamped thereon by the USPTO.

Analysis

In this instance, Applicant files as evidence that a drawing sheet was filed, a copy of the Application Transmittal letter. However, the Transmittal Form serves only as evidence of what was intended to be filed by Applicant. As noted above, the best evidence of what was filed in this Office is Applicant's return-receipt postcard. As to Applicant's assertion, that a diligent search by this office will reveal the presence of the drawing sheet, or that the drawing was inadvertently separated from the application papers by Office personnel, Applicant is advised that the Application file is the official record of what was filed in an application.. The application file does not contain a drawing that was present on November 23, 2006. Accordingly, Applicant has failed to demonstrate that a drawing was present on November 23, 2006.

Filing Date

A review of the file reveals that the specification contains method claims. As stated in MPEP § 601.01(f), it is the practice of the PTO to treat an application that contains at least one process, method or composition claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

This application contains method claims; therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

In applications filed without all of the drawing figure(s) referred to in the specification, the MPEP § 601.01(g) states that a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

The Notice mailed December 18, 2006, was mailed in error and is hereby withdrawn.

To the extent that the present petition requests a filing date of November 23, 2006, the petition is **granted**.

Applicant may attempt to add the omitted figure by way of amendment, and without a petition. Entry of the Amendment will be determined by the Examiner.

In view of the fact that the petition was necessitated by an error on the part of this Office, a refund of the petition fee has been scheduled via Treasury Check.

The application will be returned to the Office of Initial Patent Examination for:

1. correction of the filing date to November 23, 2007;

2. withdrawal of the Notice of Incomplete Provisional Application mailed December 18, 2006,

3. mailing of a Notice of Omitted Item(s).

4. issuance of a corrected Filing Receipt

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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HUSCH BLACKWELL SANDERS, LLP
HUSCH BLACKWELL SANDERS LLP WELSH & KATZ
120 S RIVERSIDE PLACE, 22ND FLOOR
CHICAGO IL 60606

MAILED

JUN 14 2010

OFFICE OF PETITIONS

In re Application of
Shunpei Yamazaki et al
Application No. 11/603,720
Filed: November 21, 2006
Attorney Docket No. 0553-0187.02

: 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 11, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 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 should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2889 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.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03-05-09

TO SPE OF : ART UNIT 2189

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/603799 Patent No.: 7290090

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: _____

Reginald N. Bragdon — SPE

2189 — Art Unit

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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.
11/603,818	11/22/2006	Stephen A. Cochran	ARI 9023	1556

23579 7590 11/02/2009

Pabst Patent Group LLP
1545 PEACHTREE STREET NE
SUITE 320
ATLANTA, GA 30309

EXAMINER
FORD, ALLISON M

ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
11/02/2009	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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	New Patent Application
Confirmation No.	:	
Applicant	:	Stephen A. Cochran et al.
Filed	:	November 22, 2006
Title	:	HAIR GRAFTS DERIVED FROM PLUCKED HAIR
TC/A.U.	:	
Examiner	:	
Docket No.	:	010414-9023-US01

CERTIFICATION UNDER 37 CFR 1.10

I, Sandy Tabachnick, hereby certify that this correspondence is being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EV 510709760 US, addressed to, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Sandy Tabachnick
Signature

November 22, 2006
Date of Signature

Customer No. 023510

PETITION TO ACCEPT COLOR DRAWING
(37 C.F.R. § 1.84(a)(2))

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

Sir:

This petition is for the acceptance of color drawing Figure 2 (37 C.F.R. § 1.84(a)(2).

Please amend the specification, by inserting the following language as the first paragraph of the specification beginning a brief description of the drawing or photograph:

> "The patent or application file contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of necessary fee."

The reason for the need for the color drawing in this application is as follows:

The color drawing greatly assists in understanding the invention. Figure 2 uses various colored *indicia* to illustrate and distinguish the fluorescently labeled cells that were incubated with the plucked follicle.

11/27/2006 SSESHE1 00000018 11603818
06 FC:1464 130.00 OP

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MICHAEL BEST & FRIEDRICH, LLP
One South Pinckney Street
P O BOX 1806
MADISON, WI53701

In re Application of
Stephen Cochran et al
Serial No.: 11/603,818
Filed: November 22, 2006
Attorney Docket No.: 10414-9023-US01

: DECISION ON PETITION TO
: ACCEPT COLOR
DRAWINGS/PHOTOGRAPHS

This is a decision on the petition filed on November 22, 2006 to accept color drawings under 37 CFR 1.84(a)(2).

A review showing that all requirements are met.

The petition to accept color drawings/photographs is **GRANTED**.

Cecilia Tsang
SPE, Art Unit 1654

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

Mail Date: 04/20/2010

Applicant	: Matthew A. Drago	: DECISION ON REQUEST FOR
Patent Number	: 7657183	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/603,877	: 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 **536** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

11/18/08

Patent No. :7258002
Inventor(s) :KITAHATA
Issued : 8/21/2007
Title : FLUID FLOW DETECTING APPARATUS
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals that claim 16,17 &18 is printed in accordance with the record. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

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

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

Henry Randall
Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

NIXON & VANDERHYE P.C.
901 NORTH GLEBE ROAD, 11th
Arlington, Virgina 22201

HR/CBN

SCANI **Please forward case and paper to address shown below.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 8/11/08

Paper No.: _____

TO SPE OF : ART UNIT 2855 Jewel Thompson

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/603,899 Patent No.: 7258002

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

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

HENRY RANDALL
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

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JOHNSON & ASSOCIATES
317A E. LIBERTY STREET
SAVANNAH GA 31401

MAILED

MAY 20 2010

OFFICE OF PETITIONS

In re Application of :
Caldwell et al. :
Application No. 11/603,924 : DECISION ON PETITION
Filed: November 21, 2006 :
Attorney Docket No. UA-0131 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to reply in a timely manner to the final Office action mailed April 29, 2009. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on July 30, 2009. A Notice of Abandonment was mailed January 11, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405.00 and the submission required by 37 CFR 1.114; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

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 matter is being referred to Technology Center 1628 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment filed with the instant petition.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

Mail Date: 04/21/2010

Applicant	: Vivek Venkatraman	: DECISION ON REQUEST FOR
Patent Number	: 7639685	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/603,932	: 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 **426** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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www.uspto.gov

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

Mail Date: 04/21/2010

Applicant	: Janis W. Hughes	: DECISION ON REQUEST FOR
Patent Number	: 7582178	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/603,953	: 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 **56** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

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

COPY MAILED

SEP 0 4 2007

OFFICE OF PETITIONS

In re Application of :
Richard R. Sinur, Michael R. :
Brewster, Ken Kusel, Michael J. :
Kurth, and Roland Schwarz :
Application No. 11/603,973 :
Filed: November 22, 2006 :
Attorney Docket No. 085455-9556-01 :
Title: FILTER CARTRIDGES AND METHODS :

DECISION ON PETITION UNDER 37 C.F.R. § 1.47(A)

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a)[1], filed July 11, 2007.

On November 22, 2006, the application was filed, identifying Richard R. Sinur, Michael R. Brewster, Ken Kusel, Michael J. Kurth, and Roland Schwarz as joint inventors. The application was deposited without an executed oath or declaration. On January 8, 2007, a "Notice to File Missing Parts of

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

Nonprovisional Application - Filing Date Granted" (Notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

With the present petition, Petitioner has submitted, *inter alia*, the surcharge associated with the late submission of an oath or declaration, the petition fee, a declaration that has been executed by each of the inventors save Mr. Schwarz, and a statement of facts.

Petitioner has established that a complete copy of the application was sent to the non-signing inventor, and that a response has not been received.

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

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

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

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

Telephone inquiries regarding *this decision* should be directed to

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

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

cc: Greenberg Traurig, LLP
2450 Colorado Avenue, Ste. 400E
Santa Monica, CA 90404

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450

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JUL 15 2008

OFFICE OF PETITIONS

WOLF GREENFIELD AND SACHS, PC
600 ATLANTIC AVENUE
BOSTON, MA 02210-2208

Applicant: Forsback
Appl. No.: 11/603,978
Filing Date: November 22, 2006
Title: IMMUNOSTIMULATORY OLIGORIBONUCLEOTIDES
Attorney Docket No.: C1041.70053US02
Pub. No.: US 2207-0142315 A1
Pub. Date: June 21, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 9, 2007, for the above-identified application. Applicant requests that the application be republished because the patent application publication contains a material error in paragraph [0210] in the specification wherein "Carnptosar/Irinotecan" should be replaced with "Camptosar/Irinotecan".

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in paragraph [0210] of the specification. The error misspells "Camptosar".

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The errors in the specification of the publication may be Office errors, but they are not material Office errors under 37 CFR 1.221. The errors in the specification are not material Office errors under 37 CFR 1.221 because the quality of the text is poor. The error noted by requestor in the specification is due to the quality of the text, as the some of the text is slanted. The text is not clear due to the size and slant, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52.

[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).

Applicant is advised that he may want to file application papers that are clearer, as the error is due to the quality of the text. The text is small and slanted, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52.

It would greatly benefit the Office if Applicant pointed out what was printed incorrectly in the application and where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

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

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

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

By facsimile: 571-273-8300

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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PHARMACIA & UPJOHN
7000 Portage Road
KZO-300-104
KALAMAZOO, MI 49001

Mail Date: 04/20/2010

Applicant	: Alexandra Forsbach	: DECISION ON REQUEST FOR
Patent Number	: 7662949	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/603,978	: 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 **512** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/604,076	11/22/2006	Yong-uk Lee	AB-1986 US	1310

7590 04/10/2009

Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas, TX 75219

EXAMINER	
DOCKET, MASTER	
ART UNIT	PAPER NUMBER
2823	
MAIL DATE	DELIVERY MODE
04/10/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 04/10/2009 NFARMER
11/28/2006 CNGUYEN2 00000005 502257 11604076
02 FC:1111 500.00 CR

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UNITED STATES DEPARTMENT OF COMMERCE
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PVF -- SUN MICROSYSTEMS INC.
C/O PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 04/21/2010

Applicant	: Bruce W. Curtis	: DECISION ON REQUEST FOR
Patent Number	: 7649902	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/604,086	: 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 **466** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

Mail Date: 04/21/2010

Applicant	: Michael J. Mondloch	: DECISION ON REQUEST FOR
Patent Number	: 7629570	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/604,118	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/24/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **64** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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United States Patent and Trademark Office
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MARCUS G THEODORE, PC
466 SOUTH 500 EAST
SALT LAKE CITY UT 84102

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JUN 07 2007

OFFICE OF PETITIONS

In re Application of :
Schanz, Richard W. :
Application No. 11/604,128 : ON PETITION
Filed: November 24, 2006 :
Title: CONCHA BOWL HEARING AID :
APPARATUS AND METHOD

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 7, 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, along with a copy of his driver's license. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 2615 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

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JUN 10 2009

OFFICE OF PETITIONS

TREX ENTERPRISES CORP.
10455 PACIFIC COURT
SAN DIEGO, CA 92121

In re Application of
Donald Bruns, et al.
Application No. 11/604,133
Filed: November 24, 2006
Attorney Docket No. 722

ON PETITION

This is a decision in response to the petition, filed April 20, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 8, 2008. This decision precedes the mailing of a Notice of Abandonment. However, on April 20, 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 an amendment; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 3715 for appropriate action by the Examiner in the normal course of business on the reply received April 20, 2009.

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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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ATTN: PATENT INTAKE CUSTOMER NO. 64046
ONE FINANCIAL CENTER
BOSTON, MA 02111

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OCT 21 2008

OFFICE OF PETITIONS

In re Application of :
James F. Marino :
Application No. 11/604,134 : ON PETITION
Filed: November 24, 2006 :
Attorney Docket No. 37604-504001US :

This is a decision on the petition under 37 CFR 1.137(b), filed July 11, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Corrected Application Papers mailed December 14, 2006, requiring replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d). The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on February 15, 2007. On July 11, 2008, the present petition was filed.

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

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,115 extension of time fee submitted with the petition on July 11, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application is being referred to the Office of Patent Application Processing (OPAP) for review of the drawings provided July 11, 2008.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Daniel A.. Nepela
4505 7th Street S.E.
Puyallup WA 98374

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MAY 13 2008

OFFICE OF PETITIONS

In re Application of :
NEPELA, Daniel A. :
Application No. 11/604,142 : DECISION ON PETITION
Filed: November 27, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. **NET1** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 1, 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 statement of inventor Daniel A. Nepela, 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 1793 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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JAMES RICHARDS
58 BONING RD
FAYETTEVILLE TN 37334

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JUN 25 2007

OFFICE OF PETITIONS

In re Application of :
ROBERT LOVETT :
Application No. 11/604,158 :
Filed: November 25, 2006 :
Attorney Docket No. **060018** :

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 25, 2006 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Robert Lovett's, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2614 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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MAY 27 2008

OFFICE OF PETITIONS

MacPherson, Kwok, Chen & Heid, LLP
2033 Gateway Place
Suite 400
San Jose, CA 95110

In re Application of
Kent Kernahan et al.
Application No. 11/604,165
Filed: November 22, 2006
Attorney Docket No. M-16419 US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed February 21, 2008.

The request is **APPROVED**.

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

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

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Frye Storm, Inc.
255 San Geronimo Way
Sunnyvale, CA 94085

cc: Kent Kernahan
19640 Auborn Drive
Cupertino, CA 95014

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/604,165	11/22/2006	Kent Kernahan	M-16419 US

CONFIRMATION NO. 3293

POWER OF ATTORNEY NOTICE

53297
MACPHERSON KWOK CHEN & HEID LLP
2033 GATEWAY PLACE
SUITE 400
SAN JOSE, CA 95110

Date Mailed: 05/27/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/21/2008.

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

/kainabinet/

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

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

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JUN 11 2007

OFFICE OF PETITIONS

In re Application of
Crocker, Barnard, and Sanders
Application No.: 11/604,168
Filed: November 22, 2006
Attorney Docket No: 25821P037C
For: SEALING METHODS

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed April 30, 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 November 22, 2006, without a properly executed declaration. On December 14, 2006, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application requiring a properly executed oath or declaration and surcharge for the late filing of the same. The instant petition was filed on April 30, 2007, with a request for an extension of time within the third month.

Petitioner has shown that inventor Sanders has refused to join the prosecution of the above-identified application after having been presented with the application papers. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

The petition fee of $200.00 will be charged to deposit account 02-2666.

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/604,175	11/22/2006	3677	765	VO-774	28	1

CONFIRMATION NO. 2463

Pauley Petersen & Erickson
Suite 365
2800 W. Higgins Road
Hoffman Estates, IL 60195

UPDATED FILING RECEIPT

OC000000023305307

Date Mailed: 04/10/2007

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

Applicant(s)

Eike Waltz, Aptos, CA;
Werner Korber, Betzenstein, GERMANY;
Kurt Schaffer, Eckental, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number **42419**.

Domestic Priority data as claimed by applicant

Foreign Applications

GERMANY 10 2005 056 380.5 11/24/2005

If Required, Foreign Filing License Granted: 12/14/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/604,175

Projected Publication Date: 07/19/2007

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Head or bottom element of a component support

Preliminary Class

016

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

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OFFICE OF PETITIONS

THELEN REID BROWN RAYSMAN & STEINER LLP
P. O. BOX 640640
SAN JOSE, CA 95164-0640

In re Application of
WONG, Daniel Y. et al.
Application No. 11/604,176
Filed: November 22, 2006
Attorney Docket No. **034421-201**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 29, 2007.

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

A review of the file record indicates that the power of attorney to Thelen Reid Brown Raysman & Steiner LLP has been revoked by the assignee of the patent application on April 16, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

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

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

Mail Date: 06/17/2010

Applicant	: Hiroyuki Asakura	: DECISION ON REQUEST FOR
Patent Number	: 7651033	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/604,195	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/27/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **296** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Tomohiko Suzuki	: DECISION ON REQUEST FOR
Patent Number	: 7603337	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/604,197	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/27/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **266** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Paper No. None

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

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of :
Michael A. Stang, Dan :
Ballenger, Albert Minjarez, :
Jack Bohanan Jr., Mike Baird, :
Mike Kitchen, Tim August, and :
Rick Quinn :
Application No. 11/604,275 : DECISION ON PETITION
Filed: November 27, 2006 : UNDER 37 C.F.R. §1.47(A)
Attorney Docket No. 060600-5001-US :
Title: DECONTAMINANT EDIBLE PRODUCT, METHODS OF PRODUCTION AND USES THEREOF :

This is in response to the petition under 37 C.F.R. §1.47(a)[1], filed April 25, 2007.

---

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

On November 27, 2006, the application was filed, identifying Michael A. Stang, Dan Ballenger, Albert Minjarez, Jack Bohanan Jr., Mike Baird, Mike Kitchen, Tim August, and Rick Quinn as joint inventors. The application was deposited without an executed declaration. On December 15, 2006, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, notifying applicant that a fully executed oath or declaration and the surcharge associated with the late submission of the same, replacement drawings, and additional claim fees was required. This Notice set a two-month period for reply.

The present petition was filed on April 25, 2007, along with a declaration that has been executed by each of the joint inventors save Mr. Ballenger, the surcharge associated with the same, replacement drawings, a portion of the petition fee, and a portion of the additional claim fees. Petitioner has further included a three-month extension of time, to make timely this response.

The additional fees have been charged to Petitioner's Deposit Account, as authorized in the petition.

Petitioner has asserted that the non-signing inventor is deceased, and that "co-applicants were not able to obtain the signature of his legal representative." No other information pertaining to the legal representative appears to have been provided.

MPEP § 409.03(c), sets forth, *in toto*:

> Legal Representatives of Deceased Inventor Not Available:
>
> 37 C.F.R. §1.47 should not be considered an alternative to 37 C.F.R. §1.42 or 35 U.S.C. §117 since the language "cannot be found or reached after diligent effort" has no reasonable application to a deceased inventor[2]. However, 37 C.F.R. §1.47 does apply where a known legal representative of a deceased inventor cannot be found or reached after diligent effort, or refuses to make application. In such cases, the last known address of the legal representative must be given. See MPEP §409.03(e).

A petition under 37 C.F.R. § 1.47(a) is appropriate only if the representative of the deceased inventor either cannot be located or refuses to sign. No mention has been made of any search for the legal representative of the deceased inventor, and no mention

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2 In re Application Papers Filed September 10, 1954, 108 USPQ 340 (Comm'r Pat. 1955). See 37 C.F.R. §1.42 and MPEP § 409.01.

has been made of the mailing of a complete copy of the application to this individual. As such, it does not appear that Petitioner has made any effort to either contact the legal representative of the deceased inventor or provide him/her with a complete copy of the application.

It follows that the present petition must be **DISMISSED AS INAPPROPRIATE.**

Any renewed petition must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 1.47(a)." This is not a final agency action within the meaning of 5 U.S.C 704.

It is noted in passing that the declaration cannot be accepted, as it fails to comply with Rule § 1.64(b).

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[3], hand-delivery[4], or facsimile[5]. If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - the inclusion of any additional information will delay the delivery of the response to the undersigned. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[6]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No. None

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

COPY MAILED

SEP 2 8 2007

OFFICE OF PETITIONS

In re Application of :
Michael A. Stang, Dan :
Ballenger, Albert Minjarez, :
Jack Bohanan Jr., Mike Baird, :
Mike Kitchen, Tim August, and :
Rick Quinn :
Application No. 11/604,275 : DECISION ON RENEWED PETITION
Filed: November 27, 2006 : UNDER 37 C.F.R. § 1.47(A)
Attorney Docket No. 060600-5001-US :
Title: DECONTAMINANT EDIBLE PRODUCT, METHODS OF PRODUCTION AND USES THEREOF :

This is in response to the renewed petition under 37 C.F.R. § 1.47(a)[1], filed September 17, 2007.

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

On November 27, 2006, the application was filed, identifying Michael A. Stang, Dan Ballenger, Albert Minjarez, Jack Bohanan Jr., Mike Baird, Mike Kitchen, Tim August, and Rick Quinn as joint inventors. The application was deposited without an executed declaration. On December 15, 2006, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, notifying applicant that a fully executed oath or declaration and the surcharge associated with the late submission of the same, replacement drawings, and additional claim fees was required. This Notice set a two-month period for reply.

An original petition under 37 C.F.R. § 1.47(a) was filed on April 25, 2007, and was dismissed via the mailing of a decision on June 21, 2007 as inappropriate - with the original petition, Petitioner had asserted that the non-signing inventor is deceased.

With this renewed petition, Petitioner has asserted that the legal representative of the deceased joint inventor, his widow, cannot be located.

With this renewed petition, Petitioner has met requirements (1) - (3) of Rule § 1.47(a).

Regarding the **fourth requirement** of Rule § 1.47(a), Petitioner has not submitted adequate proof that diligent efforts have been made to locate the legal representative of the deceased joint inventor. Petitioner has set forth that the legal representative of the deceased joint inventor cannot be reached, and as such, Petitioner is required to establish that a diligent effort was made to locate her. Petitioner has described the search that was undertaken, and it is clear that Petitioner merely made an inquiry with the former employer of the deceased as well as the administrator of his pension, and looked in local phone books for the legal representative of the deceased joint inventor. It is plausible that the legal representative of the deceased joint inventor has since moved to another city or possibly even another state, and as such, the search was too narrow to constitute a diligent search, and therefore, it does not appear that it was sufficiently broad so as to provide a reasonable chance of success.

Regarding the **fifth requirement** of requirement of Rule § 1.47(a), Petitioner has provided a declaration that contains the information for the legal representative of the deceased joint

inventor, but does not appear to list the pertinent information for the deceased joint inventor. As such, this declaration fails to comply with 37 C.F.R. § 1.63.

It follows that this renewed petition must be **DISMISSED.**

Any renewed petition must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition Under 37 C.F.R. § 1.47(a)." This is not a final agency action within the meaning of 5 U.S.C 704.

Before submitting the second renewed petition, Petitioner should make a diligent effort to locate the legal representative of the deceased joint inventor. If this individual cannot be found, Petitioner should prepare a declaration that contains the required information for both the legal representative of the deceased joint inventor and the deceased inventor, and clearly indicates her to be the legal representative of the deceased joint inventor.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[2], hand-delivery[3], or facsimile[4]. If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - the inclusion of any additional information will delay the delivery of the response to the undersigned. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[5]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

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

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DEC 10 2007

OFFICE OF PETITIONS

In re Application of :
Michael A. Stang, Dan :
Ballenger, Albert Minjarez, :
Jack Bohanan Jr., Mike Baird, :
Mike Kitchen, Tim August, and :
Rick Quinn :
Application No. 11/604,275 :
Filed: November 27, 2006 :
Attorney Docket No. 060600-5001-US :
Title: DECONTAMINANT EDIBLE PRODUCT, METHODS OF PRODUCTION AND USES THEREOF :

DECISION NOTING JOINDER AND DISMISSING RENEWED PETITION UNDER 37 C.F.R. § 1.47(A) AS MOOT

This is in response to the second renewed petition under 37 C.F.R. § 1.47(a)[1], filed November 20, 2007.

---

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

On November 27, 2006, the application was filed, identifying Michael A. Stang, Dan Ballenger, Albert Minjarez, Jack Bohanan Jr., Mike Baird, Mike Kitchen, Tim August, and Rick Quinn as joint inventors. The application was deposited without an executed declaration. On December 15, 2006, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, notifying applicant that a fully executed oath or declaration and the surcharge associated with the late submission of the same, replacement drawings, and additional claim fees was required. This Notice set a two-month period for reply.

An original petition under 37 C.F.R. § 1.47(a) was filed on April 25, 2007, and was dismissed via the mailing of a decision on June 21, 2007.

A renewed petition was filed on September 17, 2007, and was dismissed via the mailing of a decision on September 28, 2007.

With this second renewed petition, Petitioner has included a declaration that has been executed by the previously non-signing legal representative of the deceased joint inventor.

As such, this second renewed petition is **DISMISSED AS MOOT**.

In view of the joinder of the joint inventor, further consideration under 37 C.F.R. § 1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 C.F.R. § 1.47(a).

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing.

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after diligent effort, and a statement that these efforts were not successful;

(5) a declaration which complies with 37 C.F.R. § 1.63.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[2].

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

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

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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.
11/604,288	11/27/2006	Il-Bum Park	P3369US00	2528

58027 7590 02/18/2010

H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

EXAMINER	
PEZZLO, JOHN	
ART UNIT	PAPER NUMBER
2465	

NOTIFICATION DATE	DELIVERY MODE
02/18/2010	ELECTRONIC

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

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

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

PATENT@PARK-LAW.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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FEB 17 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA VA 22182

In re Application of:
PARK, IL-BUM
Application No. 11/604,288
Filed: November 27, 2006
For: ETHERNET SWITCH AND ROUTER FOR UNSHIELDED TWISTED PAIR/OPTICAL INTEGRATED NETWORK AND FRAME PROCESSING METHOD THEREOF

DECISION ON PETITION
UNDER 37 C.F.R. § 1.181

This is a decision on the petition filed July 15, 2009 under 37 CFR § 1.181 requesting that the requirement to label Figures 1 and 2 as "Prior Art" be withdrawn.

The petition is **GRANTED.**

On April 23, 2009, an Office action was mailed by the examiner containing a requirement to label Figures 1 and 2 as "Prior Art" since only that which is old is illustrated.

A review of the file indicates that the subject matter in Figures 1 and 2, as originally filed, illustrates a fast Ethernet-based Ethernet switch/router and a Gigabit Ethernet-based switch/router, respectively. However, there is no indication in the disclosure that the subject matter depicted in Figures 1 and 2 is expressly considered by the applicant to be "Prior Art."

Accordingly, in keeping with the disclosure and applicant's arguments, the requirement that Figures 1 and 2 be labeled as "Prior Art" is withdrawn. It is noted that Applicant's time for response to the Office action continues to run as set forth in the Office action

Any inquiry concerning this decision should be directed to Chau T. Nguyen at (571) 272-3126.

Chau T. Nguyen
Workgroup Quality Assurance Specialist
Technology Center 2400

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.
11/604,327	11/27/2006	Kil-soo Jung	1293.1736D2	2597

7590 01/30/2009

STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER	
TRAN, THAI Q	

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
01/30/2009	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.

Patent Publication Branch
Office of Data Management

Refund Ref:
02/04/2009 0030066268

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1007

Adjustment date: 02/04/2009 NFARMER
11/28/2006 NNGUYEN1 00000020 11604327
02 FC:1111 -500.00 OP

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United States Patent and Trademark Office
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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

Mail Date: 04/20/2010

Applicant	: Hirofumi Atarashi	: DECISION ON REQUEST FOR
Patent Number	: 7626298	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/604,329	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/27/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **439** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

JAGTIANI & GUTTAG
10363-A DEMOCRACY LANE
FAIRFAX, VA 22030

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FEB 2 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Fysh DADD, et al	:	
Application No. 11/604,338	:	DECISION ON PETITION
Filed: November 27, 2006	:	TO WITHDRAW
Attorney Docket No. 22409-00518-US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 22, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Jagtiani & Guttag, has been revoked by the assignee of the patent application on January 29, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JAYNE ANDREWS,
PATENT ATTORNEY/IP MANAGER
COCHLEAR LIMITED
14-16 MARS ROAD
LANE COVE, NSW 2066
AUSTRALIA

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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PLANTRONICS, INC.
IP Department/Legal
345 ENCINAL STREET
P.O. BOX 635
SANTA CRUZ, CA 95060-0635

Mail Date: 04/20/2010

Applicant	: Timothy P. Johnston	: DECISION ON REQUEST FOR
Patent Number	: 7646863	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/604,376	: 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 **460** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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IP GROUP OF DLA PIPER US LLP
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

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FEB 28 2008

OFFICE OF PETITIONS

In re Application of :

ANDERSON, Jacob R. S. :
Application No. 11/604,438 : DECISION ON PETITION
Filed: November 27, 2006 : TO WITHDRAW
Attorney Docket No. **DCL-05-1733R** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 24, 2008.

The request is **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: **JACOB R. S. ANDERSON**
DRACCO COMPANY LIMITED
UNIT 1201-05
12/F, STELUX HOUSE
NO. 698 PRINCE EDWARD ROAD EAST
SAN PO KONG, KOWLOON, HONG KONG

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SANDRA LEE LIPKIN
A LAW CORPORATION
1891 GOODYEAR AVE.
SUITE 622
VENTURA, CA 93003

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OFFICE OF PETITIONS

In re Application of :
Daoud, et al. :
Application No. 11/604,466 : DECISION GRANTING PETITION
Filed: November 21, 2006 :
Attorney Docket No. 897-004 :

This is a decision on the petition filed January 29, 2007, under 37 CFR 1.10(d) requesting that the above-cited application be accorded a filing date of November 21, 2006.

Petitioner alleges that the application was deposited with the Express Mail Service on November 21, 2006. In support of the allegation, the petition is accompanied by a copy of a page from the logbook of outgoing mail as maintained by the attorney of record showing that a patent application with docket number 897-004 was deposit with the Express Mail Service on November 21, 2006. The docket number in the logbook is the same as the docket number found on the application transmittal sheet.[1] The evidence is convincing that the application papers were deposited on November 21, 2006.

In view of the above, the petition is granted. The new filing date for the above-cited application is November 21, 2006.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of November 21, 2006, and for issuance of a filing receipt.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] Several irregularities were noted with the processing of Express Mail package EV975452131US. Specifically, the tracking information for the package, as obtained from the United States Postal Service website, indicates that the package originated in New York and was delivered to Great Britain. It is noted, however, that the copy of the Express Mail Receipt for package EV975452131US demonstrates that the address of origin was California with the destination being the USPTO. This irregularity lends further credence to petitioner's allegation that the package was deposited with the Express Mail Service in California on November 21, 2006.

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Jean-Louis SEUGNET
Rhodia Inc.
8 cedar Brook Drive
CN 7500
CRANBURY NJ 08512

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SEP 2 6 2008

In re Application of Frances :
Application No. 11/604,510 : Decision on Petition
Filing Date: November 27, 2006 :
Attorney Docket No. RN98131D2 :

This is a decision on the petition under 37 CFR 1.181 filed June 20, 2008, requesting the Office withdraw the holding of abandonment.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

Facts:

The Office mailed a non-final Office action on August 24, 2007. The Office action set a shortened statutory period for reply of three (3) months.

The Office did not receive a reply or request for an extension of time in response to the August 24, 2007 Office action. As a result, the application became abandoned on Tuesday, November 27, 2007.

A Notice of Abandonment was mailed March 20, 2008.

The instant petition was filed June 20, 2008. The petition contends petitioner never received the Office action.

Although correspondence is sent to Rhodia, Inc., the petition is signed by an attorney at the law firm of Buchanan Ingersoll & Rooney P.C.

The petition is accompanied by a statement from Cindy Miller, an employee of the law firm, stating a search of the file jacket and docket records indicates neither Rhodia, Inc. nor the law firm received the Office action.

A copy of docket records was filed with the petition. The docket records appear to be the law firm's docket records.

Discussion:

The petition provides minimal information to support a conclusion the Office action was never received by Rhodia, Inc.

The petition does not include a statement by any employee of Rhodia, Inc. or any discussion of how mail is handled at Rhodia, Inc.

Cindy Miller states a search of "the file jacket" has been performed. She does not state a search of the file jackets has been performed. Her statement appears to indicate a search of the law firm's file jacket was performed rather than an indication such a search, or a similar search, was performed at Rhodia, Inc.

The docket records appear to records maintained by the law firm. The petition fails to indicate any of the records are Rhodia's records.

Any request for reconsideration should include evidence establishing the Office action was never received by Rhodia, Inc.

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

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

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

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MAR 25 2009

OFFICE OF PETITIONS

In re Application of Frances :
Application No. 11/604,510 : Decision on Petition
Filing Date: November 27, 2006 :
Attorney Docket No. RN98131D2 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 26, 2008, to revive the above-identified application.

The petition is **granted**.

The Office mailed a non-final Office action on August 24, 2007. The Office action set a shortened statutory period for reply of three (3) months. The Office did not receive a reply or request for an extension of time in response to the August 24, 2007 Office action. As a result, the application became abandoned on Tuesday, November 27, 2007. A Notice of Abandonment was mailed March 20, 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 outstanding non-final Office action. 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.

The petition was accompanied by a request, and payment for, a three-month extension of time. However, an extension of time is unnecessary when reviving an application. Therefore, the Office will credit the $1,110 fee back to petitioner's credit card.

Technology Center Art Unit 1796 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20080905

DATE : September 05, 2008

TO SPE OF : ART UNIT 1656

SUBJECT : Request for Certificate of Correction on Patent No.: 11604530

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:

/JON P WEBER/
Supervisory Patent Examiner, Art Unit 1657

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Anthony O. Ragheb

Application No. 11604539

Filed: November 27,2006

Attorney Docket No. 12730/234 (PA-5105-CIP4-C

:
:
: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 05-MAR-2010 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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APR 13 2009

OFFICE OF PETITIONS

QUINN EMANUEL
KODA & ANDROLIA
865 S. FIGUEROA STREET, 10TH FLOOR
LOS ANGELES, CA 90014

In re Application of :
Norio Matsumoto et al :
Application No. 11/604,549 : ON PETITION
Filed: November 27, 2006 :
Attorney Docket No. 34A 3578 DIV :

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

The petition is **GRANTED.**

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 2, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Three-month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is January 3, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810 and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 3711 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Irvin Dingle
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHIEF INTELLECTUAL PROPERTY COUNSEL
BRIDGESTONE AMERICAS HOLDING, INC.
1200 FIRESTONE PARKWAY
AKRON OH 44317-0001

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MAR 19 2010

In re Application of	:	
Gregory A. Holbrook	:	DECISION ON PETITION
Application No. 11/604,566	:	UNDER 37 CFR 1.78(a)(3)
Filed: November 27, 2006	:	
Attorney Docket No. P03017US4A FIRZ 2 00303	:	

This is a decision on the petition filed December 17, 2009, which is being treated under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 365(c) for the benefit of priority to a prior-filed international application designating the United States of America (Application No. PCT//US2004/011615, filed April 16, 2004).

The petition under 37 CFR 1.78(a)(3) is **DISMISSED AS MOOT.**

The petition seeks acceptance of a late claim for priority to a prior-filed PCT national stage application. More specifically, the amendment filed with the petition seeks to include an amendment to state that Application No. 10/513,734 is "a 371 (National Stage) of PCT/US2004/011615, filed April 16, 2004."

As noted in MPEP 1893.03(c)(III), a national stage application filed under 35 U.S.C. § 371 may not claim benefit of the filing date of the international application of which it is the national stage since its filing date is the date of filing of that international application. *See also* MPEP 1893.03(b). In this regard, since the international application is not an earlier application (it has the same filing date as the national stage), a priority claim in the national stage of the international application is inappropriate. Accordingly, it is not necessary for the applicant to amend the first sentence of the specification to reference the international application number that was used to identify the application during international processing of the application by the international authorities prior to commencement of the national stage under 35 U.S.C. § 371.

Since the petition is unnecessary, for the reasons stated above, the petition fee is likewise unnecessary and will be refunded to petitioner's credit card in due course.

This application is being referred to Technology Center AU 3616 for appropriate processing of the amendment filed July 13, 2009.

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT - IP
SYCAMORE BUILDING - 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI, OH 45202

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SEP 2 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Ortiz et al.	:	
Application No. 11/604,574	:	DECISION ON PETITION
Filed: November 27, 2006	:	
Attorney Docket No. 9033D	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 24, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 19, 2008, as required by the Notice of Allowance and Fee(s) Due mailed February 19, 2008. Accordingly, the application became abandoned on May 20, 2008. A Notice of Abandonment was mailed June 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 payment of the issue fee of $1,440 and the publication fee of $300, (2) the petition fee of $1,540, and (3) a proper statement of unintentional delay.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Sep-07

MILBANK, TWEED, HADLEY & MCCLOY
1 CHASE MANHATTAN PLAZA
NEW YORK NY 10005-1413

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SEP 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Gifford, Hasanat, Turock,	:	DECISION REFUSING STATUS
Brockie, Kelly, Robbins, and	:	UNDER 37 CFR 1.47(a)
Rahman	:	
Application No. 11/604577	:	
Filed: 11/27/2006	:	
Atty Docket No. 39010-0010	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 19 July, 2007.

The petition is **DISMISSED**.

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

The above-identified application was filed on 27 November, 2006, without an executed oath or declaration.

Accordingly, on 19 December, 2006, a Notice to File Missing Parts of Nonprovisional Application was mailed, stating that the oath or declaration was missing, and that replacement claims commencing on a separate sheet were required, along with a surcharge for late filing of the oath or declaration.

In response, on 19 July, 2007, a five (5) month extension of time was filed, along with a declaration naming Richard Robbins, Warren S. Gifford, Mojahedul Hoque Abul Hasanat, Drew Turock, Justin Brockie, Jim Kelly, and Zaiur Rahman as joint inventors, signed by joint inventor Robbins on behalf of himself and the non-signing inventors.

On 31 August, 2007, petitioners filed a supplemental response, including three (3) pages of declaration signed by Warren Stanton Gifford, Justin Brockie, James Michael Kelly.

Petitioners apparently assert that the other inventors are refusing to sign the declaration.

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

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and
(5) a statement of the last known address of the non-signing inventor.

The petition lacks items (1), (2), and (5).

In regards to item (1), petitioners have not provided proof that the non-signing inventors were ever sent or presented with a copy of the application as filed (specification, including claims, drawings, if any, and the declaration).[1] In order for a Rule 47 petition to be granted, the inventor(s) **must** be afforded an opportunity to review the application.[2] Petitioners may show proof that a copy of the application was sent or given to each of the non-signing inventors for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventor(s) or details given in an affidavit or

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[1] MPEP 409.03(d).

[2] See In re Gray, 115 USPQ 80 (Comm'r Pat. 1956). The application papers must be sent or given to the non-signing inventor unless he or she refuses to accept delivery of the papers.

declaration of facts by a person having first-hand knowledge of the details.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

If the envelope sent to the non-signing inventor at the last known address is returned as undeliverable by the post office, petitioners should provide a copy of the envelope showing that the application was returned as undeliverable with any renewed petition. If the inventor refuses in writing to sign, a copy of that written refusal should be provided with any renewed petition. If the inventor refuses orally, petitioners should submit details of the refusal in an affidavit or declaration of facts by a person having first-hand knowledge of the refusal.

If repeated attempts to contact the non-signing inventor are unsuccessful, petitioners will have shown that despite diligent efforts, the inventor could not be reached.

In regards to item (2), the declaration is defective.

At the outset, 37 CFR 1.41(a)(1) states that the inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in §§ 1.53(d)(4) and 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless applicant files a paper, including the processing fee set forth in § 1.17(i), supplying or changing the name or names of the inventor or inventors.

The declaration filed on 19 July, 2007, executed by inventor Robbins lists the inventorship as Richard Allen Robbins, Warren Gifford, Mojahedul Hoque Abul Hasanat, Drew Turak, Justin Brockie, Jim Kelly, and Ziaur Rahman.

MPEP 605.04(f) states, in pertinent part, that the order of names of joint patentees in the heading of the patent is taken from the order in which the typewritten names appear in the original oath or declaration. Care should therefore be exercised in selecting

the preferred order of the typewritten names of the joint inventors, before filing, as requests for subsequent shifting of the names would entail changing numerous records in the Office. Since the particular order in which the names appear is of no consequence insofar as the legal rights of the joint applicants are concerned, no changes will be made except when a petition under 37 CFR 1.182 is granted.

Further to this point, the declaration does not correctly identify that the inventors are joint inventors. Rather, the declaration incorrectly states that each inventor is a "sole or first" inventor. As such, it is not clear that each inventor knows the identity of all joint inventors. Each inventor must sign a copy of the declaration which correctly recites the inventive entity.

It is also noted that the given names of the inventors on the declaration filed on 31 August, 2007, are different than those on the declaration filed on 19 July, 2007. The full name of each inventor (family name and at least one given name together with any initial) must be set forth. MPEP 605.04(b). If petitioners desire to correct the name of the inventors on the declaration, a petition under 37 CFR 1.182 must be filed.

Further, the declaration is defective in that it does not state the citizenship of all inventors.[3] A statement of the inventor's citizenship is a statutory requirement and cannot be waived.[4] A new oath or declaration, containing the residence, mailing address, and citizenship of both inventors, signed by the signing inventor on behalf of himself and the non-signing inventor in compliance with 37 CFR 1.63 and 1.67 is required.

Petitioners should complete a new declaration correctly listing the inventive entity and listing the citizenship, mailing address, and residence city and state or city and foreign country for each inventor. Each signing inventor must sign the declaration on behalf of himself and the non-signing inventors. The declaration is acceptable if all the signing inventors sign in their respective signature blocks and the signature blocks of the non-signing inventors are left blank or all the signing inventors sign a statement saying they are signing on behalf of the non-signing inventors. A declaration is not acceptable if there are two or more signing inventors and only one of the

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[3] MPEP 605.01.

[4] 35 U.S.C. § 115, MPEP 605.01.

signing inventors signed on behalf of the non-signing inventor(s).

With regards to item (5), the last known address for the non-signing inventor(s) has not been provided. The last known address is that address at which the inventor customarily receives mail.[5] Ordinarily, the last known address will be the last known residence of the non-signing inventor.[6] Petitioners should specify, in their renewed petition, a last known address for each of the the non-signing inventors.

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

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

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

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

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/01
PTO/SB/02A

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[5] See MPEP 605.03.

[6] MPEP 409.03(e).

PTO/SB/01 (07-07)
Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐ Declaration Submitted With Initial Filing **OR** ☐ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	
First Named Inventor	
COMPLETE IF KNOWN	
Application Number	
Filing Date	
Art Unit	
Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☐ was filed on (MM/DD/YYYY) ☐ as United States Application Number or PCT International Application Number ☐ and was amended on (MM/DD/YYYY) ☐ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	NO
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/01 (07-07)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to:	☐ The address associated with Customer Number:		OR ☐	Correspondence address below
Name				
Address				
City		State		ZIP
Country	Telephone		Email	

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

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 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:	☐ A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature			Date
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country

☐ Additional inventors or a legal representative are being named on the _____supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

PTO/SB/02A (07-07)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION

ADDITIONAL INVENTOR(S)
Supplemental Sheet

Page _____ of _____

Name of Additional Joint Inventor, if any:	☐ A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any))	Family Name or Surname		
Inventor's Signature			Date
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country

Name of Additional Joint Inventor, if any:	☐ A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any))	Family Name or Surname		
Inventor's Signature			Date
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country

Name of Additional Joint Inventor, if any:	☐ A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any))	Family Name or Surname		
Inventor's Signature			Date
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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DIW Dec-07

MILBANK, TWEED, HADLEY & MCCLOY
1 CHASE MANHATTAN PLAZA
NEW YORK NY 10005-1413

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DEC 12 2007

OFFICE OF PETITIONS

In re Application of	:
Robbins et al.	: DECISION NOTING JOINDER OF
Application Number: 11/604577	: INVENTOR AND PETITION
Filing Date: 11/27/2006	: UNDER 37 CFR 1.47(a) MOOT
Attorney Docket Number: 39010-00100	:

Papers filed on November 9, 2007, in response to the decision dismissing petition mailed on September 19, 2007, included a Declaration signed by the previously non-signing inventors, in compliance with 37 CFR 1.63.

The petition is **dismissed as moot**.

In view of the joinder of the inventors, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

This application will be referred to Technology Center Art Unit 2135 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
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ALVIN T. ROCKHILL
PATENT ATTORNEY
P.O. BOX 1283
BATH, OH 44210-1283

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DEC 2 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Stephan Rodewald	:	
Application No. 11/604,594	:	DECISION ON PETITION
Filed: November 27, 2006	:	
Attorney Docket No. DN2004-146D01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 25, 2008, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 13, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 14, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1540, 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 3751 for appropriate action by the Examiner in the normal course of business on the reply received September 25, 2008.

April M. Wise
Petitions Examiner
Office of Petitions

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Charles W.C. Lin
Bridge Semiconductor Corporation
3rd Floor, 157 Li-Te Road
Peitou District
Taipei 112
TAIWAN, R.O.C.

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AUG 27 2007

OFFICE OF PETITIONS

In re Application of :
Lin, Chin, and Chiang :
Application No. 11/604,608 : Decision According Status
Filed: November 26, 2007 : Under 37 CFR 1.47(a)
Attorney Docket No. BDG039-3 :
For: Method Of Making A Semiconductor Chip :
Assembly With A Laterally Aligned :
Bumped Terminal and Filler :

This is a decision on the petition under 37 CFR 1.47(a), filed March 26, 2007, and supplemented May 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.

Technology Center 2818 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

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

DAVID M SIGMOND
487 BLACKFOOT STREET
SUPERIOR CO 80027

In re Application of	:	
Lin, et al.	:	DECISION REFUSING STATUS
Application No. 11/604,626	:	UNDER 37 CFR 1.47(a)
Filed: November 27, 2006	:	COPY MAILED
Atty. Dkt. No.: BDG039-2	:	
For: SEMICONDUCTOR CHIP	:	APR 18 2007
ASSEMBLY WITH LATERALLY ALIGNED	:	
BUMPED TERMINAL AND FILLER	:	OFFICE OF PETITIONS

This decision is in response to the petition under 37 CFR 1.47(a) filed March 26, 2007.

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

Petitioners are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed December 18, 2006. The Notice required a surcharge and an executed oath or declaration.

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

The above-identified petition fails to satisfy requirement (1) set forth above. Petitioners have failed to establish that the non-signing inventor received a complete copy of the application papers (specification, including claims, drawings, and oath or

declaration) and thereafter refused to execute an oath or declaration, or, that the non-signing inventor cannot be reached or located for presentation of the application papers.

Petitioners allege that the non-signing inventor was verbally asked to execute a declaration for the instant application. Petitioners further allege that the non-signing inventor received a copy of the application papers via email, but that the non-signing inventor did not thereafter execute the declaration.

Petitioners are reminded that before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor at the non-signing inventor's last known address, typically a residential address.

Herein, petitioners have not established that the inventor received a complete copy of the application papers and thereafter refused to execute the oath or declaration.

Any renewed petition should be accompanied by evidence to establish that the non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioners may wish to provide the Office copies of letters sent to the inventor indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition.

Moreover, to the extent that petitioners continue to communicate with the inventor via email, any renewed petition must be accompanied by evidence which sufficiently establishes that the copy of the application papers forwarded to the inventor via email was in a form that could be read and comprehended by the intended recipient, and that it was in fact received, opened and read by the intended recipient. Typically a non-signing inventor would indicate receipt of the email and referenced attachments via return email in a 37 CFR 1.47(a) scenario.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand:	U.S. U.S. Patent and Trademark Office Customer Service Window Mail Stop Petition Randolph Building 401 Dulaney Street Alexandria, VA 22314

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Charles W.C. Lin
Bridge Semiconductor Corporation
3rd Floor, 157 Li-Te Road
Peitou District
Taipei 112 TW TAIWAN

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of :
Lin, et al. : DECISION GRANTING STATUS
Application No. 11/604,626 : UNDER 37 CFR 1.47(a)
Filed: November 27, 2006 :
Atty. Dkt. No.: BDG039-2 :
For: SEMICONDUCTOR CHIP :
ASSEMBLY WITH LATERALLY ALIGNED :
BUMPED TERMINAL AND FILLER :

This decision is in response to the renewed petition under 37 CFR 1.47(a) filed May 14, 2007.

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

Petitioners have shown that the non-signing inventor has refused to execute the declaration for the above-identified application after having been presented with a complete copy of the application papers.

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

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

This application is being forwarded to the Office of Patent Publication for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Mr. Cheng-Lien (Sam) Chiang
4th Floor, #98
Lane 85
Lin-Sen North Taipei, Taiwan 104

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of :
Lin, et al. : LETTER
Application No. 11/604,626 :
Filed: November 27, 2006 :
Atty. Dkt. No.: BDG039-2 :
For: SEMICONDUCTOR CHIP :
ASSEMBLY WITH LATERALLY ALIGNED :
BUMPED TERMINAL AND FILLER :

Dear Sir:

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

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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

Mail Date: 04/21/2010

Applicant	: Nitin Bansal	: DECISION ON REQUEST FOR
Patent Number	: 7602162	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/604,655	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/27/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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

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2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

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OFFICE OF PETITIONS

In re Application of :
Iwasaki et al. :
Application No. 11/604684 :
Filed: 11/28/2006 : ON PETITION
Attorney Docket Number: CQ10286 :

This is a decision on the "Petition," filed May 8, 2007, requesting that the Office combine two applications, cancel one of the two cases, and refund the filing fee for the canceled case. The petition is properly treated under 37 CFR § 1.181.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under 37 CFR 1.183". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Applicant/Petitioner files the present petition and states that a duplicate of the above-identified application was filed in error. Applicant requests combining the duplicate application with the above-identified application, cancellation of the duplicate application and a refund of the application filing, search and examination fees.

STATUTE, REGULATION, AND EXAMINING PROCEDURE

35 U.S.C. § 6(a) provides, in part, that:

The Commissioner...may, subject to the approval of the Secretary of Commerce, establish regulations, not inconsistent with law, for the conduct of proceedings in the Patent and Trademark Office.

35 U.S.C. § 41, Patent fees; patent and trademark search systems, states in pertinent part:

(a) GENERAL FEES. — The Director shall charge the following fees:
(1) FILING AND BASIC NATIONAL FEES. —

(A) On filing each application for an original patent, except for design, plant, or provisional applications, $300.
(3) EXAMINATION FEES. —
(A) For examination of each application for an original patent, except for design, plant, provisional, or international applications, $200.
(d) PATENT SEARCH AND OTHER FEES. —
(1) PATENT SEARCH FEES. —
(A) The Director shall charge a fee for the search of each application for a patent, except for provisional applications.
(C) The provisions of section 111 (a)(3) of this title relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in this paragraph with respect to an application filed under section 111(a) of this title.

35.USC § 42(d) provides that:

The Commissioner may refund any fee paid by mistake or any amount paid in excess of that required.

37 CFR 1.26(a) states in pertinent part that:

The Director may refund any fee paid by actual 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 oral hearing, will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payer of such amounts.

OPINION

The applicable statute, 35 USC 42(d), authorizes the Commissioner to refund "any fee paid by mistake or any amount paid in excess of that required." Thus, the patent and Trademark Office (PTO) may refund: (1) a fee paid when no fee is required (*i.e.*, a fee paid by mistake), or (2) any fee paid in excess of the amount of the fee that is required. See Ex Parte Grady, 59 USPQ 276, 277 (Comm'r Pats. 1943)(the statutory authorization for the refund of fees is applicable only to a mistake relating to the fee payment). In the situation in which an applicant or patentee takes an action "by mistake" (e.g., files an application "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application) is not a "fee paid by mistake" within the meaning of 35 U.S.C. § 42(d).

The Director is required, under 35 U.S.C. § 41, to charge an application filing fee; search fee, and examination fee.

Here, the applicable regulation, 37 CFR 1.26, requires that the money had to be paid by actual mistake, for a refund to be authorized. The mistake, however, must clearly be in relation to the payment itself in order to be refundable. Grady; supra. Rather, the amount paid herein was owed at the time it was paid, and it was paid by the representative of the applicant. Such is not a mistake within the meaning of the aforementioned statute and regulation that warrants a refund.

In this regard, contrary to Petitioner's assertion, there was no mistake relating to the payment itself. Petitioner is reminded that the use of "shall" appears in 35 USC § 41 pertaining to collection of fees upon the filing of an application with the PTO. 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, 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). That is, it is mandatory that the Director charge, and the applicant pay, the fees specified by statute upon presentation of a request for a service by the PTO. See BEC Pressure Controls Corp. v. Dwyer Instruments, Inc., 380 F.Supp. 1397, 1399, 182 USPQ 190, 192 (N.D. Ind. 1974). As such, the application fee was due when such was submitted to the PTO on April 15, 2005, and was paid in the correct amount. Id. The language of the statute does not permit the Director any discretion with respect to charging the fees set forth therein. Id.

That Applicant may have erred in presenting the application to the PTO does not warrant a finding that the payment was made "by mistake." Rather, the fees were owed at the time they were paid. As noted in 37 CFR 1.26(a), petitioner's change of purpose does not constitute a "mistake" in payment warranting refund of the fees previously paid. The payment of the fees automatically were due, by statute, when petitioner presented, rightly, or wrongly, the aforementioned submission to the PTO for the filing of the application. Thus, it is immaterial to the question of "mistake" in payment of the instant application filing fees that Petitioner may have erred in submitting the application and requisite fees to the PTO.

Petitioner requested the filing of the application. While Petitioner now contends that the papers and fees for accomplishing this result were presented to the PTO in error, Petitioner's error of presentation did not relieve Petitioner from his statutory mandate to pay to the PTO, upon presentation, the fees required for the PTO to process the application. Similarly, Petitioner's error in presenting those papers and fees, does not relieve the PTO from its statutory mandate to collect the fees due to the PTO for the filing of the application. Rather, as the patent was filed and assigned an application serial number, Petitioner received precisely what Petitioner requested. As such, there clearly was no error in relation to the payment of fees to the PTO. As noted above, the filing, search and examination fees were owed, by law, at the time they were paid, and they were paid by a representative of the Applicant. Such does not warrant either a finding of mistake relating to the payment, or warrant a refund of the fee. See In re Hartman, 145 USPQ 402 (Comm'r Pat. 1965). The fact that the fee was necessary at the time it was paid warrants a conclusion that no error in payment was involved. See Meissner v. U.S., 108 USPQ 6 (D.C. Cir. 1955). Such is not a mistake as contemplated by the statute. Id. The instruction from Assignee, which was received by petitioner after payment of the maintenance fee, does not have the retroactive effect of making the previous payment an error or mistake.. See Meissner v. U.S., 108 USPQ 6 (D.C. Cir. 1955)(appeal fee paid on same day that examiner allows the application is not a fee paid by mistake within the meaning of 35 USC 42(d)); see also Opinion of the Comptroller General of the United States, 113 USPQ 28, 29 (Comp. Gen. 1957). It follows that no refund is due.

DECISION

In that Applicant has failed to establish the existence of a mistake in payment of the application filing, search and examination fees within the meaning of the statute and regulation, no refund of the entire, or any fractional part thereof, is, or can be, authorized. Because no refund is available, the application may not be combined or canceled. Accordingly the petition is dismissed.

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

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OFFICE OF PETITIONS

In re Application of	:	
Dae-Sik Park, et al.	:	
Application No. 11/604,692	:	DECISION ON PETITION
Filed: November 28, 2006	:	
Attorney Docket No. 2557-000626/US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 12, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 8, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed September 8, 2008. Accordingly, the date of abandonment of this application is December 9, 2008. The Notice of Abandonment was mailed January 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 payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

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

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

Chris Bottorff
Petitions Examiner
Office of Petitions

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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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/604,720	11/28/2006	Yuji Shishido	SON-2906/DIV2

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

DATE MAILED: July 17, 2007

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

This is in response to the petition under 37 CFR 1.138(d) filed June 27, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/604,721	11/28/2006	Yuji Shishido	SON-2906/DIV

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

DATE MAILED: July 17, 2007

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

This is in response to the petition under 37 CFR 1.138(d) filed June 27, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/604,735	11/28/2006	Arnaud Favier	123956.01	3979

7590 10/24/2008

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

EXAMINER	
BERNSHTEYN, MICHAEL	

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
10/24/2008	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: 10/27/2008 BPOWELL
11/29/2006 HGUTEMA1 00000024 11604735
02 FC:1111 -500.00 OP

Adjustment Date: 10/27/2008 BPOWELL
12/05/2006 HMARZI1 00000064 190733 11551855
02 FC:1111 500.00 CR

Repln. Ref: 10/27/2008 BPOWELL 0018474900
DA#:150461 Name/Number:11604735
FC: 9204 $500.00 CR

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United States Patent and Trademark Office
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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

Mail Date: 05/03/2010

Applicant	: Yuji Takase	: DECISION ON REQUEST FOR
Patent Number	: 7651927	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/604,751	: 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 **489** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Paper No.

PAUL, HASTINGS,
JANOFSKY & WALKER LLP
875 15th Street, NW
Washington DC 20005

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NOV 0 9 2007

OFFICE OF PETITIONS

In re Application of	:
William Whitehorn, Michael Blackburn	: DECISION REFUSING STATUS
and Paul Dowd	: UNDER 37 C.F.R. § 1.47(a)
Application No. 11/604,759	:
Filed: November 28, 2006	:
Attorney Docket No. RAI-105	:

This is a decision on the "PETITION BY JOINT INVENTOR(S) FILING ON BEHALF OF OTHER JOINT INVENTOR(S) WHO REFUSE(S) TO JOIN IN APPLICATION OR CANNOT BE REACHED (37 C.F.R. §1.47(a))" filed June 20, 2007.

The petition is **DISMISSED**.

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

The above-identified application was filed on November 28, 2006, with an unexecuted declaration. Accordingly, on December 20, 2006, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," requiring an executed oath or declaration and a surcharge for its late filing. This Notice set a two-month period for reply with extensions of time obtainable under § 1.136(a).

In response, applicants filed the surcharge under § 1.16(l) and the instant petition under § 1.47(and fee). This response was made timely by a petition and fee for extension for response within the fourth month. The petition included a declaration executed by inventors Whitehorn and Dowd on behalf of themselves and on behalf of non-signing inventor Blackburn. Applicants assert that status under § 1.47(a) is proper because inventor Blackburn has refused to sign the declaration.

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

Requirements (2), (3) and (4) have been satisfied. The declaration submitted is acceptable. The required petition fee of $200 has been charged to petitioner's Deposit Account, as authorized. The petition includes a statement of the last known address of the non-signing inventor.

However, the petition is not grantable because it does not satisfy requirement (1). The declaration does not include adequate proof that inventor Blackburn has refused to join in the application after having been presented with the application papers. Before a refusal can be alleged, applicants must demonstrate 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. 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. See MPEP 409.03(d). Rule 47 applicants have alleged refusal, but have not submitted proof that the non-signing inventor was presented with all of the application papers. The petition, including the statement of facts of Hui Hui Lee, indicates only that inventor Blackburn was presented with the declaration and power of attorney. Moreover, the petition does not include a statement from inventor

Blackburn that would give rise to a conclusion that he understood exactly what he was being asked to sign and refused to accept all of the application papers.

Accordingly, on request for reconsideration, petitioner must submit adequate proof of inventor Blackburn's refusal to join in the application after having been presented with all of the application papers (including specification, claims and drawings). This showing should be supported by statement of facts of persons with firsthand knowledge, and supporting documentary evidence. Alternatively, applicants may respond with a declaration for patent in compliance with § 1.63 executed by inventor Blackburn.

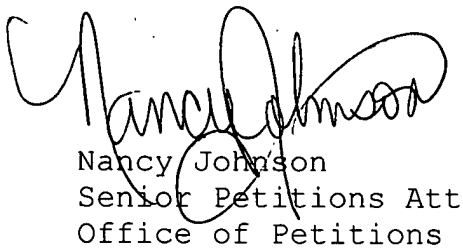
Further correspondence with respect to this matter should be addressed as follows:

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

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

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

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Paper No.

PAUL, HASTINGS,
JANOFSKY & WALKER LLP
875 15th Street, NW
Washington DC 20005

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JUN 10 2008

OFFICE OF PETITIONS

In re Application of	
William Whitehorn, Michael Blackburn and Paul Dowd	DECISION ACCORDING STATUS UNDER 37 C.F.R. § 1.47(a)
Application No. 11/604,759	
Filed: November 28, 2006	
Attorney Docket No. RAI-105	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)" filed February 26, 2008.

The petition is **GRANTED**.

The above-identified application was filed on November 28, 2006, with an unexecuted declaration. In response to the "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)" mailed December 20, 2006, on June 20, 2007, applicants filed the initial petition asserting that status under § 1.47(a) is proper because inventor Blackburn has refused to sign the declaration.

By decision mailed November 9, 2007, the petition was dismissed. Applicants had not submitted adequate proof that inventor Blackburn had refused to join in the application after having been presented with the application papers.

On instant renewed petition, applicants submitted additional proof of the presentation of all of the application papers to inventor Blackburn. This proof included the statements of Hui Hui Lee and Geraldine Bird based on first hand knowledge of the facts recited therein. Further, the petition includes documentary evidence that all of the application papers were

delivered to the inventor at his last known address in New Jersey. Thus, it is concluded that applicants have now submitted adequate proof that inventor Blackburn, by his conduct in not responding to the request to sign the declaration, has refused to join in the application.

The declaration filed June 20, 2007, has been reviewed and found in compliance with § 1.63. Applicants previously provided the petition fee and a statement of the last known address of inventor Blackburn.

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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MR. MICHAEL BLACKBURN
104 OAK STREET
AVENAL, NJ 07001

COPY MAILED

JUN 10 2008

OFFICE OF PETITIONS

In re Application of	:	
William Whitehorn, Michael Blackburn	:	
and Paul Dowd	:	LETTER
Application No. 11/604,759	:	
Filed: November 28, 2006	:	
Attorney Docket No. RAI-105	:	

Dear Mr. Blackburn:

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

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

PAUL, HASTINGS,
JANOFSKY & WALKER LLP
875 15th Street, NW
Washington DC 20005

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

Mail Date: 04/21/2010

Applicant	: Nobuo Miyadera	: DECISION ON REQUEST FOR
Patent Number	: 7574081	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/604,766	: 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 **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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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant	: Norifumi Kimura	: DECISION ON REQUEST FOR
Patent Number	: 7597553	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/604,779	: 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 **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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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant	: Feng-Chi Eddie Tsai	: DECISION ON REQUEST FOR
Patent Number	: 7592966	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/604,783	: 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 **331** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

DLA PIPER US LLP
1200 NINETEENTH STREET, N.W.
WASHINGTON DC 20036-2412

In re Application of :

RAO, Pingfan et al. :
Application No. 11/604,818 : DECISION ON PETITION
Filed: November 28, 2006 : TO WITHDRAW
Attorney Docket No. **3803-001 CIP** : FROM RECORD
:

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 20, 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 Ping Wang on behalf of all attorneys of record who are associated. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Joe Smith at the address indicated below] [Example: 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 Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **PINGFAN RAO, PH.D.**
FUZHOU UNIVERSITY, INSTITUTE OF BIOTECHNOLOGY
NO. 523 GONGYE ROAD
FUZHOU, FUJIAN 350002
PEOPLES REPUBLIC OF CHINA

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02-19-10

TO SPE OF : ART UNIT 1657

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/604828 Patent No.: 7622286

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Angela Green 703-756-1541
Certificates of Correction Branch
703-756-1814

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

_____

/Jon P Weber/ 1657

SPE **Art Unit**

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Commissioner for Patents
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Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

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SEP 22 2008

OFFICE OF PETITIONS

In re Application of	:	
Dalton et al.	:	
Application No.: 11/604884	:	DECISION ON
Filing or 371(c) Date: 11/28/2006	:	PETITION
Attorney Docket Number:	:	
P-7994-US	:	

This is a decision in response to the "Petition to Withdraw Notice of Abandonment," filed August 28, 2008. The Petition is properly treated under 37 CFR § 1.181.

This Petition is hereby dismissed.

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

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed September 5, 2007. The Notice set a two (2) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on November 6, 2007. A Notice of Abandonment was mailed May 13, 2008.

The present petition

Applicant files the present petition and provides that on January 9, 2007, this Office mailed a Notice to File Missing Parts of Nonprovisional Application, which Applicants timely responded to on June 11, 2007. Applicants provide further that this Office mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice"), on September 5, 2007, and on the same date mailed a Withdrawal of Previously Sent Notice. Applicants provide that they believed that this was a withdrawal which did not require any action on their part. Applicants conclude that the Notice of Abandonment was issued in error as a complete reply to the Notice to File Missing Parts was timely filed by Applicants.

Review of Office records

A review of Office records reveals that an unexecuted oath/declaration was filed with the application on November 28, 2006. This Office mailed a Notice to File Missing Parts of Nonprovisional Application on January 9, 2007, noting, that the oath/declaration was unsigned, but not requiring a properly executed oath/declaration. Applicant filed an oath/declaration on June 11, 2007; however the signatures of inventors Christina Barret and Seounng-Soo Hong were missing. It is also noted that the oath/declaration listed inventor Seounng-Soo Hong, however, no further inventors information as to inventor Hong was included on the oath/declaration (i.e. citizenship as required by 35 U.S.C. 115, residence, Post Office address and signature).

On September 5, 2007, this Office withdrew the previously mailed Notice to File Missing Parts of Nonprovisional Application and mailed a corrected Notice, noting that the signatures of inventors Christina Barret and Seounng-Soo Hong were missing from the oath/declaration. The Notice mailed September 5, 2007 implicitly acknowledged receipt of the oath/declaration filed June 11, 2007, which was, unlike the oath/declaration filed with the application papers, executed by all but two of the named inventors.

Applicable Law Rules and MPEP

The applicable statute, 35 U.S.C. § 133, Time for prosecuting application, states

> 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 Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See Lorenz v. Finkl, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); Krahn v. Commissioner, 15 USPQ2d 1823, 1824 (E.D. Va 1990); In re Application of Fischer, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

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, 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).

This section of the statute is further clarified in Office rule 37 CFR § 1.135, Abandonment for failure to reply within time period, which states

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to

> paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

This section explains that a failure to reply will result in the abandonment of the application.

Analysis

Applicants provide that they believed that the Withdrawal of Previously Sent Notice was a withdrawal which did not require any action on their part. However, Applicants filed an oath/declaration that did not include the signatures of inventors Christina Barret and Seounng-Soo Hong. Accompanying the Withdrawal of Previously Sent Notice mailed September 5, 2007, was a new Notice to File Missing Parts of Nonprovisional Application, stating that the signatures of inventors Christina Barret and Seounng-Soo Hong were missing. Applicant did not file a response to the Notice.

The law states:

> 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 Director in such action, the application shall be regarded as abandoned by the parties thereto.... (Emphasis supplied).

35 U.S.C. § 133

The rule similarly states:

> If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise

Here, Applicant failed to file a reply to the Notice. As such, there is no disagreement as to the sufficiency of the reply, because no reply was filed. Since no timely or proper reply to the Notice was filed, the application is abandoned. As stated in the MPEP: "[w]here there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 CFR 1.137 is necessary to revive the abandoned application.

Applicant is also reminded that, in addition to the signatures of inventors Christina Barret and Seounng-Soo Hong , the citizenship as required by 35 U.S.C. 115, and unless provided in an Application Data Sheet ("ADS"), the residence, and Post Office address of inventor Hong is required. See, 37 CFR 1.63. Office records do not indicate that an ADS has been filed in the present application.

Alternate Venue

Applicant is urged to file a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable."

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

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

By mail:	Director for Patents PO Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

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OCT 3 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Dalton et al.	:	
Application No.: 11/604884	:	DECISION ON
Filing or 371(c) Date: 11/28/2006	:	PETITION
Attorney Docket Number:	:	
P-7994-US	:	

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed September 29, 2008.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed September 5, 2007. The Notice set a two (2) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on November 6, 2007. A Notice of Abandonment was mailed May 13, 2008.

Applicant files the present petition and drawings in response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee, and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice in due course.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Hogan & Hartson LLP
IP Group, Columbia Square
555 Thirteenth Street, N.W.
Washington, DC 20004

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JUL 23 2008

In re Application of	:	
Clifton Krieg, Jr.	:	
Application No. 11/604,893	:	DECISION ON PETITION
Filed: November 28, 2006	:	TO WITHDRAW
Attorney Docket No. 88589-0001	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 2, 2008.

The request is **APPROVED**.

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

The request was signed by Celine Jimenez Crowson 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 Clifton Kreig, Jr. 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: **Clifton Kreig, Jr.**
11160-C1 South Lakes Drive, #717
Reston, VA 20191

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/604,893	11/28/2006	Clifton Krieg JR.	88589-0001

CONFIRMATION NO. 3645

POWER OF ATTORNEY NOTICE

24633
HOGAN & HARTSON LLP
IP GROUP, COLUMBIA SQUARE
555 THIRTEENTH STREET, N.W.
WASHINGTON, DC 20004

Date Mailed: 07/21/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/02/2008.

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

/tswilliams/

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

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET NW, SUITE 600
WASHINGTON, DC 20004

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NOV 27 2009

OFFICE OF PETITIONS

In re Application of :
Hiroyuki KOMETANI, *et al.* :
Application No. 11/604,899 : DECISION ON PETITION
Filed: November 28, 2006 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **P63810US2** :

This is a decision on the petition, filed September 18, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed January 12, 2009, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on March 13, 2009. *See* MPEP 1215.04.

In order to facilitate action, the petition to revive should include reference to the filing of a continuing application and a letter of express abandonment, conditional upon the granting of the petition and of a filing date to the continuing application. Nevertheless, in view of the statement that the reply is the filing of a continuing application, the statement will be construed as a request to expressly abandon this application in favor of the continuing application. If this was not the intent of applicant, the Office should be promptly notified.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

This application is being revived solely for the purpose of continuity with the Application No. 12/585,624. As continuity has been established by revival of this application, this application is again abandonment in favor of continuing Application No. 12/585,624, filed September 18, 2009.

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

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
(FORMERLY KIRKPATRICK & LOCKHART NICHOLSON GRAHAM)
STATE STREET FINANCIAL CENTER
ONE LINCOLN STREET
BOSTON, MA 02111-2950

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JAN 31 2008

OFFICE OF PETITIONS

In re Application of :
AZNOIAN, et al. :
Application No. 11/604,944 : DECISION ON PETITION
Filed: November 28, 2006 : TO WITHDRAW
Attorney Docket No. **B0751/7027D1** : FROM RECORD
:

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 11, 2007.

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

A review of the file record indicates that the power of attorney to **KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP (FORMERLY KIRKPATRICK & LOCKHART NICHOLSON GRAHAM)** has been revoked by the assignee of the patent application on October 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: **WOLF GREENFIELD & SACKS, PC**
600 ATLANTIC ACENUE
BOSTON, MA 02210-2206

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

Mail Date: 04/21/2010

Applicant	: Peter Ian Cable	: DECISION ON REQUEST FOR
Patent Number	: 7655199	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/604,967	: 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 **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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/604,972	11/27/2006	Michael Stephen Roberts	13164/5	4866

26646 7590 10/02/2008

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER	
FINN, MEGHAN R	

ART UNIT	PAPER NUMBER
1614	

MAIL DATE	DELIVERY MODE
10/02/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OCT 0 2 2008

James P. Demers
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of	:
Roberts et al	:Decision on Petition
Serial No.: 11/604,972	:
Filed : 27 November 2006	:
Attorney Docket No.:13164/5	:

This letter is in response to the Petition under 37 C.F.R. 1.144 and 1.181(a)(2) filed on 15 September 2008 requesting reconsideration of the restriction requirement dated 15 February 2008.

BACKGROUND

This application was filed as a national application under 35 USC 111(a). As such, this application is entitled to US restriction practice.

On 15 February 2008, the examiner required a restriction between Groups I, claims 1-46 and 49-74, drawn to formulations comprising paracetamol and Group II, claims 47-48 and 75-76, drawn to methods of treating pain or fever. The examiner reasoned that formulations of group I could be used for a materially different process such as use as an anti-inflammatory.

On 4 March 2008, applicants elected Group I, with traverse, stating that paracetamol is not an anti-inflammatory and has no other use other than as treatment for pain or fever.

On5 June 2008, the examiner considered the traversal and made the restriction requirement FINAL. Claims 1-46 and 49-74 were rejected variously under obviousness type double patenting, 35 USC 112, first paragraph for lack of enablement, 35 USC 112, second paragraph for indefiniteness and/or 35 USC 103(a) for obviousness.

On 3 September 2008, applicants filed a response to the Office action and an Information Disclosure Statement.

On 15 September 2008, applicants filed this petition.

DISCUSSION

The file history and petition have been considered carefully. The examiner has required restriction between product and process of use by providing an alternative use for the product, i.e., that paracetamol may be used for an anti-inflammatory.

The petition argues that the inventions of Group I and II are not distinct because paracetamol cannot be used as an anti-inflammatory agent, citing Chandrasekharan et al (PNAS Vol 99 13926 (2002)) and Kis et al (J Pharm Exp Ther 315 1-7 2005)) and Goodman& Gilman's The Pharmacological Basis of Therapeutics, Tenth Edition P 703. These arguments are persuasive.

MPEP 806.05(h) sets forth the following guidance for distinction between products and process of use:

> The burden is on the examiner to provide an example, but the example need not be documented. If the applicant either proves or provides a convincing argument that the alternative use suggested by the examiner cannot be accomplished, the burden is on the examiner to support a viable alternative use or withdraw the requirement.

Because the examiner's example has been shown to be not-viable, the Office will now provide the following viable alternative.

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the product of Group I can be used in a variety of other materially different methods, such as, use as a control when measuring the cytotoxicity of NSAIDs, to use in an animal model to inflict gastric epithelial damage and identify agents that prevent the gastric epithelial damage imposed by paracetamol, to use to screen for COX inhibitors that are selectively inhibited by paracetamol or to use as a negative control to identity COX inhibitors which are not inhibited by paracetamol. Additionally, paracetamol may be used to screen for

and help identify functional properties of COX inhibitors from other species, such as dogs or cats.

None of these alternative uses requires administration of paracetamol to a subject or a patient suffering from pain, fever, discomfort or combinations thereof, as required by Group II. Nor would these alternative uses result in the same outcome as Group II, the treatment of fever or pain. For these reasons, Group I and Group II are patentably distinct from each other.

The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right to rejoinder in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims. Failure to do so may result in a loss of the right to rejoinder. Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

DECISION

For these reasons, the petition filed under 37 CFR 1.144 and 1.181(a)(2) on 15 September 2008 is **DENIED**.

The restriction requirement made between Group I and II has been maintained.

The application will be forwarded to the examiner for consideration of the papers filed on 3 September 2008. Should all claims directed to the elected product become in condition for allowance, the examiner will consider the withdrawn process claims for rejoinder per MPEP 821.04.

Any request for reconsideration should be filed within two months of the mail date of this decision.

Should there be any questions regarding this decision, please contact Special Program Examiner Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 703-272-8300.

George Elliott
Director, Technology Center 1600

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

Mail Date: 04/21/2010

Applicant	: Joseph J. Kubler	: DECISION ON REQUEST FOR
Patent Number	: 7586907	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/604,976	: 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 **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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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/21/2010

Applicant	: Hidetaka Sawada	: DECISION ON REQUEST FOR
Patent Number	: 7619220	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/604,977	: 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 **233** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.:20090818

DATE : August 18, 2009

TO SPE OF : ART UNIT 3641

SUBJECT : Request for Certificate of Correction on Patent No.: 7,252,042

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:

There is no statement as to how this is a mistake of a clerical or typographical nature or of minor nature. This may constitute a new matter situation which would require reexaminiation

/MICHAEL CARONE/
Supervisory Patent Examiner.Art Unit 3641

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date Mailed : August 21, 2009
Serial No. : 7,252,042 B1
Patent No. :11/605012
Patent Issued :August 21, 2009
Inventor(s) :George Berend Freeman
Title :FERTILIZER SPIKE INJECTION TOOL

Re: Request for Certificate of Correction

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

Respecting the alleged errors noted in your request, there is no statement as to how this is a mistake of a clerical or typographical nature or of minor nature. This may constitute a new matter situation which would require reexamination.

In view of the foregoing your request is herby denied.

Further consideration will be given upon receipt of a Request for Reconsideration, which should be directed to Decisions and Certificate of Correction Branch. Requests for Reconsideration should be accompanied by additional support (e.g. copy of amendments, post card receipts) as requested.

Magdalene Talley
For Cecelia B. Newman, Supervisor
Decisions and Certificate
Of Correction Branch
(703)756-1540

George Blake
1116 far North Circle
Newmarket, Ontario
Canada L3X1N5

MD/mt

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OFFICE OF PETITIONS

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

In re Application of :
Kenton O'Hara, et al. :
Application No. 11/605,028 : ON PETITION
Filed: November 27, 2006 :
Attorney Docket No. 200503403-2 :

This is a decision on the petition under 37 CFR 1.137(b), filed by September 5, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts (Notice) mailed December 15, 2006. The notice required an oath or declaration under 37 CFR 1.63 and the requisite surcharge under 37 CFR 1.16(f). A Notice of Abandonment was mailed on August 17, 2007. In response, on September 5, 2007, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an executed declaration and the $130 surcharge; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing using the declaration filed September 5, 2007.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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JUN 0 3 2010

OFFICE OF PETITIONS

In re Application of Ciampi et al. :
Application No. 11/605,031 : Decision on Petition
Filing Date: November 27, 2006 :
Attorney Docket No. 045390-01-5012 US01 :

This is a decision on the petition under 37 CFR 1.137(a), filed June 1, 2010, to revive the instant application.

The petition is **granted.**

The Office mailed a non-final Office action on September 30, 2009. Neither a reply nor a request for an extension of time was filed in response to the Office action. As a result, this application became abandoned on December 31, 2009. A Notice of Abandonment was mailed May 14, 2010.

The instant petition seeks revival of the application. Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(a). Therefore, the petition is granted.

The address given on the petition differs from the address of record. However, the file does not indicate a request to change the address of record has been filed. If petitioner wishes for correspondence to be sent to the address on the petition, a request to change the address of record must be filed. 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.

Technology Center Art Unit 3693 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

cc: Steven D. Underwood
Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
New York, NY 10036-6799

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COOL PATENT, P.C.
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS, MN 55402

Mail Date: 05/14/2010

Applicant	: David M. Putzolu	: DECISION ON REQUEST FOR
Patent Number	: 7626927	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/605,033	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/27/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **475** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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G. L. LOOMIS & ASSOCIATES, INC.
990 HIGHLAND DRIVE
SUITE 212Q
SOLANA BEACH CA 92075

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OFFICE OF PETITIONS

In re Application of :
WANG, John et al. :
Application No. 11/605,038 : DECISION ON PETITION
Filed: November 27, 2006 : TO WITHDRAW
Attorney Docket No. **QEL-06001** : FROM RECORD
:

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 Gary Loomis, the sole attorney of record. Gary Loomis has been withdrawn as attorneys or agents of record. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **JOHN WANG**
Q. ELECCTRIC, LLC
374 ENCINITAS BLVD.
ENCINITAS, CA 92024

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/605,065	11/28/2006	Paul A. Farrar	1303.112US3	4342

21186 7590 11/05/2009

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

EXAMINER	
BLAN, NICOLE R	

ART UNIT	PAPER NUMBER
1792	

NOTIFICATION DATE	DELIVERY MODE
11/05/2009	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):

uspto@slwip.com
request@slwip.com

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mbc

In re application of:	Farrar	:DECISION ON
Serial no.:	11/605,065	:PETITION
Filed:	November 28, 2006	:
For:	METHOD OF CLEANING	:
	SEMICONDUCTOR SURFACES	:

This is a decision on the PETITION FROM REQUIREMENT FOR RESTRICTION FILED UNDER 37 CFR 1.144.

On June 29, 2009, applicant filed the instant petition under 37 CFR 1.144 to formally request the withdrawal of the restriction requirement of January 9, 2009.

DECISION
The petition is moot because the examiner has withdrawn the restriction in the Notice of Allowance mailed September 16, 2009.

Accordingly, the petition is **DISMISSED**.

/Michael Cleveland/

_____
Michael Cleveland, SPE
Technology Center 1792
Chemical and Materials Engineering

David C. Peterson
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402

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

Mail Date: 04/20/2010

Applicant	: Paul A. Farrar	: DECISION ON REQUEST FOR
Patent Number	: 7655095	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/605,065	: 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 **413** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/605,068	11/28/2006	Katsuya Kosuga	SONYJP 3.0-1267	4344

7590 09/08/2009

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER	
RAMOS, JAVIER J	

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
09/08/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 09/08/2009 NFARMER
11/30/2006 RMEBRAHT 00000042 121095 11605068
02 FC:1111 500.00 CR

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629 EUCLID AVENUE, SUITE 1000
NATIONAL CITY BUILDING
CLEVELAND, OH 44114

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OFFICE OF PETITIONS

In re Application of :
Thomas NIRSCHL, et al :
Application No. 11/605,079 : DECISION ON PETITION
Filed: November 28, 2006 :
Attorney Docket No. BOSP102US :

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 fee on or before March 18, 2009. As required by the Notice of Allowance and Fee(s) Due, mailed December 18, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 19, 2009.

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

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

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

Thurman K. Page
Petitions Examiner
Office of Petitions

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GEORGE RATZ
3781 MARLBOROUGH AVE # 1
SAN DIEGO CA 92105

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OFFICE OF PETITIONS

In re Application of :
George Ratz, et al. :
Application No. 11/605,121 : DECISION ON PETITION
Filed: November 28, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 28, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

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OFFICE OF PETITIONS

In re Application of	:	
Dietmar Hepper, et al.	:	
Application No. 11/605,162	:	DECISION ON PETITION
Filed: November 28, 2006	:	
Attorney Docket No. PD050113	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed March 25, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 26, 2009. The Notice of Abandonment was mailed November 18, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of $1,620, 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 Technology Center AU 2167 for appropriate action by the Examiner in the normal course of business on the reply received.

Terri Johnson
Petitions Examiner
Office of Petitions

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LACKENBACH SIEGEL BUILDING
1 CHASE ROAD
SCARSDALE NY 10583

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OFFICE OF PETITIONS

In re Application of :
Pamela Zonsius :
Application No. 11/605,166 : ON PETITION
Filed: November 28, 2006 :
Attorney Docket No. PAMCO.P1 :

This is a decision on the petition to revive under 37 CFR 1.137(a), filed November 9, 2009.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a reply to the Notice of Drawing Inconsistency with Specification, mailed July 28, 2009. This Notice set a non-extendable period for reply of one month from the mailing date of that notice, or within the time remaining in the time period set from the Notice of Allowability mailed June 22, 2009 (which set a three month period for reply). No reply having been received, the application became abandoned on September 23, 2009. The Office mailed a Notice of Abandonment on October 23, 2009.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply

from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. The instant petition lacks item (3).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.[2]

With regards to item (3), petitioner states that he did not receive the Notice of Drawing Inconsistency. In support thereof, petitioner has included declarations, as well as copies of docket records for the instant application. However, to establish non receipt of an office action, a practitioner must:

> state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the **master docket report** showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master

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[1] In re Mattulath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

> docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.[3]

Accordingly, on renewed petition, petitioner should submit a copy of a master docket report, showing all replies docketed for a due date of September 22, 2009 (the due date to respond to the Notice of Drawing Inconsistency). If no such master docket report exists, petitioner should so state for the record.

Alternative Venue and Other Matters:

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

---

[3] MPEP 711.03(c)(II) (emphasis added).

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LACKENBACH SIEGEL BUILDING
1 CHASE ROAD
SCARSDALE NY 10583

In re Application of :
Pamela Zonsius :
Application No. 11/605,166 : ON PETITION
Filed: November 28, 2006 :
Attorney Docket No. PAMCO.P1 :

This is a decision on the petition to revive under 37 CFR 1.137(a), filed January 14, 2010.

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

The above-identified application became abandoned for failure to timely file a reply to the Notice of Drawing Inconsistency with Specification, mailed July 28, 2009. This Notice set a non-extendable period for reply of one month from the mailing date of that notice, or within the time remaining in the time period set from the Notice of Allowability mailed June 22, 2009 (which set a three month period for reply). No reply having been received, the application became abandoned on September 23, 2009. The Office mailed a Notice of Abandonment on October 23, 2009. Applicant filed a petition to revive under 37 CFR 1.137(a) on November 9, 2009, asserting that she did not receive the Notice of Drawing Inconsistency. However, the petition was dismissed in a decision mailed on December 30, 2009. The petition was dismissed because applicant did not submit a proper docket report to establish non-receipt of the Notice of Drawing Inconsistency.

With the instant petition, petitioner has submitted a copy of a master docket report, showing all of her replies docketed for a due date of August 28, 2009 and September 22, 2009. An entry for the instant application is absent, supporting the conclusion that the Notice of Drawing Inconsistency was not received. Accordingly, petitioner has established that the entire delay was unavoidable.

The application is being forwarded to Group Art Unit 3636 for consideration of the Rule 312 Amendment, filed on November 9, 2009.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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LADAS & PARRY
26 WEST 61ST STREET
NEW YORK NY 10023

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In re Application of	:	
Wen et al.	:	
Application No. 11/605,178	:	DECISION ON PETITION
Filed: November 28, 2006	:	
Attorney Docket No. U 016607-6	:	

This is a decision on the petition, filed December 14, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed May 22, 2009, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on December 4, 2009.

Petitioner asserts that the Office action dated May 22, 2009 was not received.

A review of the written record indicates that the Office action was returned on May 26, 2009. As stated in MPEP 707.13, upon receipt of a returned Office action, the Technology Center (TC) technical support staff will check the application file record to ensure that the Office action was mailed to the correct correspondence address. If the Office action was not mailed to the correct correspondence address, it should be stamped "remailed" with the remailing date and mailed to the correct correspondence address. The period running against the application begins with the date of remailing. If the Office action was mailed to the correct correspondence address and it was addressed to an attorney or agent, a letter along with a copy of the Office action may be sent to the first named inventor or assignee (if available) informing him or her of the returned action. The time period for reply to the Office action will be restarted to run from the mailing date of the letter informing applicant of the returned action.

The May 2009 Office action was mailed to the correct correspondence address. However, no further action was remailed by the Technology Center 1600 support staff. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This matter is being referred to the Technology Center technical support staff of Art Unit 1619 for re-mailing the Office action of May 22, 2009. The period for reply will run from the mailing date of the Office action.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/605,215	11/29/2006	Yuzo Otsuru	130409	5177

7590 03/06/2009

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

EXAMINER	
SPINKS, ANTOINETTE T	

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
03/06/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjusteent date: 03/06/2009 BPOWELL
11/30/2006 LWONDIM1 00000004 11605215
02 FC:1111 -500.00 OP

Repln. Ref: 03/06/2009 BPOWELL 0011164400
DA#:150461 Name/Number:11826422
FC: 9204 $500.00 CR

Repln. Ref: 03/06/2009 BPOWELL 0011184200
DA#:150461 Name/Number:11605215
FC: 9204 $500.00 CR

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HARNESS, DICKEY
& PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

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FEB 19 2008

In re Application of
Seo, et al.
Application No. 11/605,244 : DECISION ON PETITION
Filed/Deposited: 29 November, 2006
Attorney Docket No. 46500-000123/US/COA

This is a decision on the petition filed on 22 February, 2007, resubmitted on 26 September, 2007, and considered under 37 C.F.R. §1.53.

The Office regrets the delay in addressing the matter—the petition was presented to the attorneys in the Office of Petitions only at this writing.

For the reasons set forth below, the petition under 37 C.F.R. §1.53 is **DISMISSED**.

BACKGROUND

The instant application was deposited on 29 November, 2006.

On 22 December, 2006 , the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Application (to wit: "[t]he specification does not include at least one claim *** as prescribed by 35 U.S.C. §112[,]" and thus, the application had not been accorded a filing date.

OIPE indicated that Petitioner might:

- contend via petition that a complete specification (description, claims, abstract) had been

submitted on deposit and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the specification as averred to have been deposited; or

- submit the omitted pages and accept the date of submission as the filing date.

OIPE set a two- (2-) month period for reply.

It appears that Petitioner did neither.

On 22 February, 2007, Petitioner submitted the instant petition, averred that a complete specification had been submitted, and attempted to so demonstrate with a copy of a date-stamped receipt card. Petitioner, however, failed to provide a copy of the complete specification that he averred was caused to be deposited on 29 November 2006.

Thus, it is impossible to test Petitioner's averment against—or evidence Petitioners averment with—the complete specification averred to have been submitted in the absence of that complete specification.

As Petitioner may note upon review of the application in Private PAIR, the specification in the record as of date of deposit until this writing reflects only pages 1 – 29 of the 36 pages Petitioner avers to have been deposited on filing. Nonetheless, Petitioner appears to have chosen not to present the complete specification—with the pages presently missing from the record—and complete his showing in support of his petition.

Moreover, Petitioner resubmitted his petition on 26 September, 2007, and once more missed the opportunity to complete the showing in support of his petition.

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 should note that those registered to practice *and* all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

---

1 See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a

ANALYSIS

A search of the official file reveals that:

- on 29 November, 2006, Petitioner deposited the instant application;
- the Office record reflects that on deposit the specification does not include at least one claim as as prescribed by 35 U.S.C. §112[,]" and thus, the application had not been accorded a filing date;
- on 22 February and 26 September, 2007, Petitioner submitted the instant petition and included therewith was is averred to be a true copy of the date-stamped ("NOV 29 2006") receipt card and the document recites therein in pertinent part:

***

Specification (36 pages)
Formal Drawings (18)

***

- however, in the absence of a complete specification to be supplied by Petitioner, the record contains no information as to the manner in which Petitioner avers the record is to be completed.

CONCLUSION

The petition is **dismissed without prejudice**.

Petitioner may seek within two (2) months of the date of this decision to make a complete showing in support of his averment; however, in the absence of such a showing there is no complete indication that the petition was prompted by error of the Office, and the fee is not waived as of this writing.

---

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).

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

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

By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

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

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

2 The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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

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RESTON VA 20195

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of :
Seo, et al. :
Application No. 11/605,244 : DECISION
Filed/Deposited: 29 November, 2006 :
Attorney Docket No. 46500-000123/US/COA :

This is a decision on the petition filed on 28 February, 2008, seeking a filing date of 29 November, 2006, for the application, and properly considered under 37 C.F.R. §1.53.

The Office regrets the delay in addressing the matter—the petition was presented to the attorneys in the Office of Petitions only at this writing.

For the reasons set forth below, the petition under 37 C.F.R. §1.53 is **GRANTED**.

BACKGROUND

The instant application was deposited on 29 November, 2006.

On 22 December, 2006, the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Nonprovisional Application in that the application as deposited did not appear to include at least one claim—thus, the application had not been accorded a filing date.

OPAP indicated that Petitioner might, *inter alia*:

- contend via petition that at least one claim was present upon deposit, and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the specification (description, claims, abstract); or

- submit the a copy of the specification (description, claims, abstract)and accept the date of that submission as the filing date.

OPAP set a two- (2-) month period for reply.

On 22 February, 2007, Petitioner submitted the original petition, averred that a complete specification had been submitted, and attempted to so demonstrate with a copy of a date-stamped receipt card. Petitioner, however, failed to provide a copy of the complete specification that he averred was caused to be deposited on 29 November 2006. It was impossible to test Petitioner's averment against—or evidence Petitioners averment with—the complete specification averred to have been submitted in the absence of that complete specification. (The specification in the record as of date of deposit reflected only pages 1 – 29 of the 36 pages Petitioner averred to have been deposited on filing. After Petitioner resubmitted his petition on 26 September, 2007, and again failed to complete the showing in support of his petition. The petition was dismissed on 19 February, 2008.

Petitioner filed the instant petition on 28 February, 2008, and therewith, inter alia, copies of the specification (description, claims, abstract) as averred to have been deposited on 29 November, 2008, and a date stamped receipt card.

ANALYSIS

A search of the official file reveals that:

- on 29 November, 2006, Petitioner deposited the instant application;

- the Office record reflects that on deposit the specification does not include at least one claim as as prescribed by 35 U.S.C. §112[,]" and thus, the application had not been accorded a filing date;

- on 22 February and 26 September, 2007, Petitioner submitted a petition and included therewith was is averred to be a true copy of the date-stamped ("NOV 29 2006") receipt card and the document recites therein in pertinent part:

***

Specification (36 pages)
Formal Drawings (18)

***

(Emphasis supplied)

- Petitioner's 28 February, 2008, submission of the specification evidenced that the 36 pages of specification are composed of description pages 1 – 29, claims pages 30 – 35, and abstract page 36.

Because Petitioner's receipt card adequately itemized the contents of the application as to the elements deposited, it is concluded that the application, including 36 pages of specification (description, claims and abstract)—therein including at least one claim—and 18 sheets of drawings, was deposited with the Office on 29 November, 2006, and pages 30 – 36 therein including at least one (1) claim, subsequently were misplaced in the Office.

Accordingly, the application, including 36 pages of specification (description, claims and abstract)—including pages 30 – 36 and therein at least one claim—and 18 sheets of drawings, is entitled to a filing date of 29 November, 2006.

The Notice mailed on 22 December 2006, was sent in error to the extent that it reflected the omission of at least one claim is hereby **vacated** to the extent that it stated that the application was not accorded a filing date because it was filed without at least one claim.

CONCLUSION

The petition is **granted**; the petition fee waived and is being refunded *via* Treasury check—should Petitioner later find that a fee was not refunded, Petitioner should send a refund request to Office of Finance with a copy of this decision.

This application is released to OPAP for further processing with a filing date of 29 November, 2006, for the entire application including 36 pages of specification (description, claims and abstract) including therein pages 30 – 36 containing therein at least one claim, and 18 sheets of drawings using:

- **pages 1 – 29 of the specification (description, claims abstract) and 18 sheets of drawings deposited on 29 November, 2006; and**

- **pages 30 - 36 of the specification (description, claims abstract) therein containing at least one claim deposited on 28 February, 2008; and further,**

with direction to OPAP to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 29 November, 2006, and reflecting therein that 36 pages of specification (description and claims) and 18 sheets of drawings were present on filing.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

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

[1] The regulations at 37 C.F.R. §1.2 provide:1

§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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OFFICE OF PETITIONS

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

In re Patent No. 7,463,533 :
Issue Date: December 9, 2008 :
Application No. 11/605,245 : ON PETITION
Filed: November 29, 2006 :
Attorney Docket No. 520.42911CC2 :

This is a decision on the petition filed Septemer 23, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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

Mail Date: 06/17/2010

Applicant	: Chih-Wei Chen	: DECISION ON REQUEST FOR
Patent Number	: 7634628	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/605,247	: 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 **430** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/27/2010

Applicant	: Takeshi Ootsuki	: DECISION ON REQUEST FOR
Patent Number	: 7582035	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/605,280	: 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 **305** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Takaaki Okamoto	: DECISION ON REQUEST FOR
Patent Number	: 7660523	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/605,327	: 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 **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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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON DC 20005

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JUL 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Whitesell et al.	:	DECISION ON PETITION
Application No. 11/605,338	:	TO WITHDRAW
Filed: November 29, 2006	:	FROM RECORD
Attorney Docket No. VTX0340-US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 29, 2010.

The request is **NOT APPROVED.**

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

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

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw. Further, according to a review of current USPTO records petitioner has not recognized the current recorded assignee concerning the above-identified application or the first listed inventor. VTech Communications Limited is not the current assignee of the above-identified application. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed June 22, 2010 that requires a reply.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

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

Mail Date: 04/21/2010

Applicant	: Masanori Hori	: DECISION ON REQUEST FOR
Patent Number	: 7639493	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/605,395	: 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 **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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OFFICE OF PETITIONS

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
WASHINGTON DC 20006-5403

In re Application of :
JOHN L. JANNING :
Application No. 11/605,405 : DECISION ON PETITION
Filed: November 29, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. **J5460.0030/P030** : 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 evidence submitted with the instant petition is a copy John Janning's birth certificate indicating that he is at least 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2821 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 07/30/2010

Applicant	: Takashi Watanabe	: DECISION ON REQUEST FOR
Patent Number	: 7652831	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/605,448	: 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 **138** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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1500 K STREET, NW
SUITE 1100
WASHINGTON, DC 20005-1209

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DEC 29 2008
OFFICE OF PETITIONS

In re Application of	:	
Seiichiro Mizuno, et al.	:	
Application No. 11/605,474	:	DECISION GRANTING PETITION
Filed: November 29, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 46884-5542 (235179)	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 29, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September10, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2878 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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DINSMORE & SHOHL, LLP
1900 CHEMED CENTER
255 EAST FIFTH STREET
CINCINNATI, OH 45202

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MAY 29 2008

OFFICE OF PETITIONS

In re Application of :
Subramaniam C. Krishnan :
Application No. 11/605,491 : ON PETITION
Filed: November 29, 2006 :
Attorney Docket No. 30909-2 :

This is a decision on the petition under 37 CFR 1.137(b), filed on October 26, 2007, to revive the above-identified application.

The application became abandoned for failure to reply to the Notice to File Missing Parts of Non-Provisional Application mailed December 21, 2006. A Notice of Abandonment was mailed on August 23, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an executed oath/declaration with the $65 surcharge; (2) the petition fee of $770; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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1900 CHEMED CENTER
255 EAST FIFTH STREET
CINCINNATI OH 45202

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OFFICE OF PETITIONS

In re Application of	:	
Subramaniam C. Krishnan	:	DECISION ON PETITION
Application No. 11/605,491	:	TO WITHDRAW
Filed: November 29, 2006	:	FROM RECORD
Attorney Docket No. 30909-2	:	

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 29, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Joshua A. Lorentz on behalf of all attorneys of record, but does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number upon filing of the instant application, the Request must reflect withdrawal of practitioners associated with same Customer Number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed August 5, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

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CINCINNATI OH 45202

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DEC 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Subramaniam C. Krishnan	:	DECISION ON PETITION
Application No. 11/605,491	:	TO WITHDRAW
Filed: November 29, 2006	:	FROM RECORD
Attorney Docket No. 30909-2	:	

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 November 11, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Joshua A. Lorentz on behalf of all attorneys of record who are associated with Customer No. 24256.

All attorneys/agents associated with Customer Number 24256 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 August 5, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Subramaniam C. Krishnan
34 Rocky Knoll
Irvine, CA 92612

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Date Mailed: August 4, 2008

FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

Applicant: Alioto et al.
Appl. No.: 11/605,529
Filing Date: November 28, 2006
Title: RADIATION DETECTION UNIT FOR MOUNTING A RADIATION SENSOR TO A CONTAINER CRANE
Attorney Docket No.: 090341-0300
Pub. No.: US 2008/0122234 A1
Pub. Date: May 29, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on July 28, 2008, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, **as a Pre-Grant publication submission.**

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

Adjustment date: 08/04/2008 KKING1
07729/2008 INTEFSW 00004667 11605529
01 FC:1504 -300.00 OP

Refund Ref:
08/04/2008 0030059386

Credit Card Refund Total: $300.00

VISA....: XXXXXXXXXXX3754

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CRAWFORD MAUNU PLLC
1150 NORTHLAND DRIVE, SUITE 100
ST. PAUL, MN 55120

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MAR 25 2009

OFFICE OF PETITIONS

In re Application of	:	
Yue Liang, et al.	:	
Application No. 11/605,533	:	NOTICE
Filed: November 29, 2006	:	
Attorney Docket No. STFD.141PA		

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application no longer qualifies for small entity status. Accordingly, all future fees must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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YOUNG & BASILE, P.C.
3001 WEST BIG BEAVER ROAD, SUITE 624
TROY, MI 48084

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DEC 29 2008

OFFICE OF PETITIONS

In re Application of	:	
ASAI, et al.	:	
Application No. 11/605,597	:	DECISION GRANTING PETITION
Filed: November 28, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. NNA-187-A	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 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 November 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) 272-7253.

This application is being referred to Technology Center AU 2838 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed 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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PALO ALTO CA 94304-1018

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OFFICE OF PETITIONS

In re Application of :
LIN, Xinli et al. :
Application No. 11/605,619 :
Filed: November 28, 2006 :
Attorney Docket No. **544112000600** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 15, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Jie Zhou on behalf of all attorneys of record who are associated with customer No. 25226. All attorneys/agents associated with the Customer Number 25226 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 Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **XINLI LIN**
26 MORNING STAR
IRVINE CA 92603

cc: **KENING LI, PH.D. WITH PINSENT MASONS, LLP**
C/O BAKER DONELSON BEARMAN, CALDWELL & BERKOWITZ PC
LINCOLN SQUARE
555 11TH STREET, N.W. 6TH FLOOR
WASHINGTON DC 20004

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4417 LANCASTER PIKE
WILMINGTON, DE 19805

Mail Date: 04/20/2010

Applicant	: Joseph V. Kurian	: DECISION ON REQUEST FOR
Patent Number	: 7666501	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/605,662	: 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 **386** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Merchant & Gould, PC
P.O. Box 2903
Minneapolis, MN 55402-0903

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OFFICE OF PETITIONS

In re Application of :
Yvonne Killeen et al. :
Application No. 11/605,705 :
Filed: November 29, 2006 :
Attorney Docket No. 163.2280USU1 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 22, 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 Sarah M. Monfeldt, former attorney with the firm of Merchant & Gould, PC.

Sarah M. Monfeldt has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is no pending office action at this time.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Frances Hicks
Petitions Examiner
Office of Petitions

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APR 18 2007
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OFFICE OF PETITIONS

Larry Deacon
3855 Remsen Rd.
Medina, OH 44256

In re Application of :

Larry Deacon :
Application No. 10/760,043 : DECISION ON PETITION
Filed: January 15, 2004 : TO MAKE SPECIAL UNDER
Attorney Docket No. LAD-1001 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 16, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a Statement by applicant indicating he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Charles Smoot at 571-272-3299.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3661 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

Cc: WALKER & JOCKE, L.P.A.
231 SOUTH BROADWAY STREET
MEDINA OH 44256

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Mitchell P. Novick, Esq.
Law Offices Of Mitchell P. Novick
66 Park Street
Montclair, NJ 07042

APR 16 2007

In re Application of: NELSON, Mitchell C. Serial No.: 11/605,719 Filed: November 28, 2006 Title: DETECTION, LOCATION, AND CHARACTERIZATION OF BURIED EXPLOSIVE DEVICES	:	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 November 28, 2006 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application, the petition and the required fees were not filed

electronically using the USPTO's electronic filing system (EFS), or EFS-web. The application was filed in paper on November 28, 2006 as evidenced by the Utility Patent Application Transmittal and the Express Mail Receipt number on the first page of the specification. The required fees were not electronically filed on November 28, 2006, as evidenced by the credit card payment. Further, no statement was made asserting that EFS and EFS-web were not available during the normal business hours;

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 Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.

Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/605,722	11/28/2006	Kazuyuki Saito	SUTOSH.092AUS	6335

7590 08/19/2009

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
BARRON JR, GILBERTO	

ART UNIT	PAPER NUMBER
2432	

NOTIFICATION DATE	DELIVERY MODE
08/19/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Repin. Ref: 08/18/2009 BPOWELL 00171552U0
DAN:111410 Name/Number:11605722
FC: 9204 $500.00 CR

Adjustment date: 08/18/2009 BPOWELL
12-01/2006 RMOLDGE1 00000013 11605722
FC:1111 -500.00 DP

Repln, Ref: 08/18/2009 BPOWELL 0017155200
DRN:111410 Name/Number:11605722
FC: 9204 $500.00 CR

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TRELLIS INTELLECTUAL PROPERTY LAW GROUP, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO CA 94303

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MAY 24 2010

OFFICE OF PETITIONS

In re Application of :
MOUCHOU, Rob et al. :
Application No. 11/605,726 : DECISION ON PETITION
Filed: November 27, 2006 : TO WITHDRAW
Attorney Docket No. **100142-000100US** : 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 02, 2010.

The request is **NOT APPROVED.**

A review of the file record indicates that Customer 37490 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 the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ROBERT MOUCHOU**
345 N. VIRGINIA ST.
RENO, NV 89501

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CARLSON, GASKEY &OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

COPY MAILED

APR 13 2007

OFFICE OF PETITIONS

In re Application of	:
Scott Steven Sheppard	:DECISION GRANTING FILING
Application No. 11/605,742	:DATE OF November 29, 2006
Filed: November 29, 2006	:
Attorney Docket No. 60137-475 PUS1; 118-3007-	:

This is a decision on the petition under 37 CFR 1.10(d), filed December 13, 2006, requesting that the above-identified application be accorded a filing date of November 29, 2006, rather than the presently accorded date of November 30, 2006.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on November 29, 2006, pursuant to 37 CFR 1.10. In support, petitioner has submitted a copy of the Intranet Track Confirmation which verifies the acceptance date as November 29, 2006 in Birmingham, MI., for Express Mail label No. EV333688753US. The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal."

In view of the above, it is concluded that the application was deposited as "Express Mail" with the USPS on November 29, 2006.

The petition is **granted**.

The application file is being referred to the Office of Initial Patent Examination for processing with a filing date of **November 29, 2006**, and for the mailing of a corrected Filing Receipt. Afterwards, the application will be referred to Technology Center AU 3679.

Telephone inquiries specific to this decision on petition should be directed to Karen Creasy at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, WILLIS TOWER
CHICAGO IL 60606-1080

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Application of :
Sheppard :
Application No. 11/605,742 : ON PETITION
Filed: November 29, 2006 :
Attorney Docket No. 50058310-0015 :
For: CRIMP-ON TRANSITION FITTING

This is a decision on the petition under 37 CFR 1.137(b), filed May 12, 2010, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the non-final Office action, mailed September 25, 2009, which set an extendable three month period for reply. No extensions of time being obtained and no reply being filed, the application became abandoned on December 26, 2009. A Notice of Abandonment was mailed on April 12, 2010.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed.;

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (1) above.

Petitioner has not submitted a reply to the September 25, 2009 non-final Office action. Either an amendment in response to the Office action or a continuing application would be a proper reply.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 – ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE MN 55344

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NOV 30 2009

OFFICE OF PETITIONS

In re Application of :
Wolfgang Kabatzke et al :
Application No. 11/605,750 : DECISION GRANTING PETITION
Filed: November 29, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. H01.2B-13405-US01 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 25, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 28, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3745 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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HICKMAN PALERMO TRUONG & BECKER LLP/Yahoo! Inc.
2055 Gateway Place
Suite 550
San Jose, CA 95110-1083

Mail Date: 04/21/2010

Applicant	: Andrew Wooldridge	: DECISION ON REQUEST FOR
Patent Number	: 7630970	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/605,763	: 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 **316** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HICKMAN PALERMO TRUONG & BECKER LLP/Yahoo! Inc.
2055 Gateway Place
Suite 550
San Jose, CA 95110-1083

Mail Date: 05/18/2010

Applicant : Andrew Wooldridge
Patent Number : 7630970
Issue Date : 12/08/2009
Application No: 11/605,763
Filed : 11/28/2006

: 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 **392** 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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WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose CA 95113

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JUN 2 1 2010

OFFICE OF PETITIONS

In re Application of :
THOMAS MCCLELLAN :
Application No. 11/605,799 :
Filed: November 27, 2006 :
Attorney Docket No. **LEDG-P002** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed May 20, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond , pursuant to 37 CFR 10.40.

The request was signed by Anthony C. Murabito on behalf of all attorneys of record who are associated with Customer Number 41066.

All attorneys/agents associated with Customer Number 41066 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 Thomas McClellan at the address list listed in the request.

There is an outstanding Office action mailed August 28, 2009, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: THOMAS MCCLELLAN
115 BENEDICT AVENUE
SANTA CRUZ, CA 95065

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAIL

JAN 2 02009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Robert K. Rowe
Serial No.: 11/605,807
Filed: November 28, 2006
For: SYSTEM AND METHOD FOR ROBUST FINGERPRINT ACQUISITION

DECISION ON PETITION
ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the petition under 37 CFR §1.84(a)(2) filed November 28, 2006 requesting acceptance of color drawings.

The petition requests that the color drawings identified in Figures 8, 9, 10A and 10B be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is **GRANTED**.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041

MAILED

SEP 30 2009

Technology Center 2100

In re Application of:
William R. SOFTKY
Application No. 11/605,820
Filed: November 27, 2006
For: METHOD AND SYSTEM FOR NUMERICAL COMPUTATION VISUALIZATION

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on November 27, 2007, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 1, 5-7 and 8A-8F be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and was filed with three (3) sets of color drawings of Figures 1, 5-7 and 8A-8F. Paragraph [0012] of the specification contains the required notification described above.

Accordingly, the petition is **GRANTED**.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100
(571) 272-1732

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/605,820	11/27/2006	William R. Softky	25065-11538	5913

758 7590 09/30/2009

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

EXAMINER	
SCHALLHORN, TYLER J	

ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
09/30/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/605,833	11/28/2006	2133	1130	05-IND-199	20	3

CONFIRMATION NO. 5535

23990
DOCKET CLERK
P.O. DRAWER 800889
DALLAS, TX 75380

UPDATED FILING RECEIPT

OC000000022971672

Date Mailed: 03/19/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Amit Kashyap, Uttar Pradesh, INDIA;
Prashant Dubey, Uttar Pradesh, INDIA;
Akhil Garg, Uttar Pradesh, INDIA;

Assignment For Published Patent Application

STMICROELECTRONICS PVT, LTD., Uttar Pradesh, INDIA

Power of Attorney:

William Munck--39308
Daniel Venglarik--39409

Domestic Priority data as claimed by applicant

Foreign Applications

INDIA 3199/DEL/2005 11/29/2005

If Required, Foreign Filing License Granted: 12/18/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/605,833

Projected Publication Date: 06/28/2007

Non-Publication Request: No

Early Publication Request: No

Title

Multiple embedded memories and testing components for the same

Preliminary Class

714

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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MAY 10 2007

OFFICE OF PETITIONS

In re Application of	:	ON PETITION
Kashyap et al.	:	
Application No. 11/605,833	:	
Filed: November 28, 2006	:	
Attorney Docket No. 05-IND-199	:	

This is a decision on the petition filed February 23, 2007, requesting that the above-identified application be accorded a filing date of November 28, 2006, rather than the initial date accorded of November 27, 2006. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on November 28, 2006, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 915228377 US, showing a handwritten "date-in" of "11-28-06," as well as a "November 28, 2006" receipt stamp. The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal." Additionally, applicant has submitted a copy of the Track & Confirm record showing that the package in question was accepted on November 28, 2006, at 6:43 p.m. at the Dallas, TX USPS.

In view of the above evidence, it is concluded that the application was deposited as "Express Mail" with the USPS on November 28, 2006.

The petition is **GRANTED**.

A petition under 37 CFR 1.10(c) does not require a petition fee and none has been charged.

A corrected Filing Receipt with the proper filing date of November 28, 2006 was mailed on March 19, 2007.

This matter is being referred to Technology Center 2100 for examination in due course.

Telephone inquiries concerning this matter may be directed Petitions Examiner Liana Walsh at (571) 272-3206. All other inquiries should be directed to the Technology Center.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATE PIERCE & BAIRD
175 SOUTH MAIN STREET, SUITE 1250
SALT LAKE CITY, UT 84111

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OCT 29 2008

OFFICE OF PETITIONS

In re Application of :
Eric S. Cylvick :
Application No. 11/605,853 : DECISION ON PETITION
Filed: November 28, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 3458.2.1 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 3, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed 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 Irvin Dingle at (571) 272-3210. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3617 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.

David Bucci
Petition Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/605,853	11/28/2006	3617	565	3458.2.1	20	3

CONFIRMATION NO. 5616

CORRECTED FILING RECEIPT

28049
PATE PIERCE & BAIRD
175 SOUTH MAIN STREET, SUITE 1250
SALT LAKE CITY, UT 84111

Date Mailed: 10/29/2008

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)

Eric S. Cylvick, Wanship, UT;

Power of Attorney:
A Pate--36234
Gary Pierce--38019
Hal Baird--42284
Warren Pate--54364

Domestic Priority data as claimed by applicant

This application is a CIP of 11/168,101 06/28/2005

Foreign Applications

If Required, Foreign Filing License Granted: 12/18/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/605,853**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Universal brake assembly

Preliminary Class

104

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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STMicroelectronics Inc.
c/o WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
BOSTON, MA 02210-2206

Mail Date: 04/20/2010

Applicant	: Hilal Ezzeddine	: DECISION ON REQUEST FOR
Patent Number	: 7667556	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/605,880	: 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 **480** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/605,903	11/29/2006	Joon-Yeon Kim	SDIYOU.046AUS	6824

7590 11/02/2009
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
SITTA, GRANT

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
11/02/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 10/30/2009 NFARMER 0012025303
DAN:111410 Name/Number:11605903
FC: 9204 0700.00 OP

Adjustment date: 10/30/2009 NFARMER
12701/2006 WABDELR1 00000025 11605903
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/605,917	11/29/2006	Elizabeth L. Rule	SOU03 P-134	6033

7590 11/10/2009

VAN DYKE, GARDNER, LINN & BURKHART, LLP
SUITE 207
2851 CHARLEVOIX DRIVE, S.E.
GRAND RAPIDS, MI 49546

EXAMINER	
KUNTZ, CURTIS A	

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
11/10/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 11/10/2009 NFARMER
12/01/2006 EAREGAY1 00000039 581432 11605917
02 FC:1111 500.00 CR
04 FC:1201 200.00 CR
05 FC:1202 1100.00 CR

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 04/20/2010

Applicant	: Tetsuo Tateishi	: DECISION ON REQUEST FOR
Patent Number	: 7595624	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/605,918	: 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 **290** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FEB 27 2008

OFFICE OF PETITIONS

SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

In re Application of :
Kevin Wong :
Application No. 11/605,928 : NOTICE
Filed: November 29, 2006 :
Attorney Docket No. 42565-4200

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED.**

This application no longer qualifies for small entity status. Accordingly, all future fees must be paid at the large entity rate.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3201.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 04/20/2010

Applicant	: Anand Prahlad	: DECISION ON REQUEST FOR
Patent Number	: 7657550	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/605,932	: 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 **263** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

MAILED

JAN 20 2010

OFFICE OF PETITIONS

In re Patent No. **7,494,364**
Issue Date: February 24, 2009
Application No. 11/605,938
Filed: November 29, 2006
Attorney Docket No. **17308/003001**

DECISION ON PETITION
UNDER 37 CFR 3.81(b)

This is a decision on the paper, filed March 23, 2009, requesting that the name of the co-assignee be added to the Title Page of the above-identified patent. The paper is being treated as a petition under 37 CFR 3.81. A completed Certificate of Correction form PTO/SB/44 accompanied the petition.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner requests that the Title Page of the above-identified patent be corrected via issuance of a Certificate of Correction to add the name of the assignee as follows:

-- MEA Technologies Pte. Ltd. --

37 CFR 3.81 (b), reads:

> *After payment of the issue fee*: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 **before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]. See also MPEP 1481.01.

The petition was accompanied by a Certificate of Correction with fee of $100 required by 37 CFR 3.81(b), and the requisite $130 petition processing fee, as set forth in 37 CFR 1.17(i). Further, Office assignment records are consistent with the requested correction.

Accordingly, Certificate of Correction in accordance with the provisions of 37 CFR 3.81(b) will be issued.

Inquiries concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at 571-272-4200. Any inquiries related to this communication should be directed to Monica A. Graves at 571-272-7253.

This matter is being referred to the Certificate of Corrections Branch for processing of the Certificate of Correction in US Patent 7,494,364.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 04/20/2010

Applicant	: Anand Prahlad	: DECISION ON REQUEST FOR
Patent Number	: 7660807	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/605,944	: 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 **347** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

OIPE JUL 18 2008 PATENT & TRADEMARK OFFICE

11/605954

ok to enter

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 7,300,144

Issue Date: November 27, 2007

Inventor(s): Naoki KATAYAMA; Toyonori SASAKI; Tomohiro KANBE; Katsunori NISHIDA

Title: INK CARTRIDGE

Docket No.: 121065.05

REQUEST FOR CERTIFICATE OF CORRECTION UNDER RULE 323

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that a Certificate of Correction be issued in order to correct the error(s) specified in the attached copy of Certificate of Correction Form PTO-1050.

Our Check No. 208026 in the amount of One Hundred Dollars ($100.00) is attached in accordance with the provisions of 37 C.F.R. §1.323 and §1.20(a). In the event of any underpayment or overpayment, please debit or credit Deposit Account No. 15-0461 as needed in order to ensure prompt issuance of a Certificate of Correction.

Certificate of Correction JUL 22 2008

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Jesse O. Collier
Registration No. 53,839

JAO:JOC/ldg

Date: July 18, 2008

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

07/21/2008 SZEWDIE1 00000073 7300144
01 FC:1811 100.00 OP

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry;
Charge any fee due to our Deposit Account No. 15-0461

RECEIVED-USPTO JUL 22 2008

PTO/SB/44 (02-01)
Approved for use through 1/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Action of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,300,144 B2

DATED : November 27, 2007

INVENTOR(S) : Naoki Katayama; Toyonori SASAKI; Tomohiro KANBE; Katsunori NISHIDA

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title page, in item [63], change:

"Continuation of application No. 11/391,644, filed on Mar. 29, 2006, now Pat. No. 7,178,911, which is a continuation-in-part of application No. 11/024,624, filed on Dec. 30, 2004, and a continuation-in-part of application No. 10/938,840, filed on Sep. 13, 2004, which is a continuation-in-part of application No. 10/255,604, filed on Sep. 27, 2002, now Pat. No. 7,137,689, said application No. 11/391,644 is a continuation-in-part of application No. 11/101,447, filed on Apr. 8, 2005, now Pat. No. 7,033,011, which is a continuation of application No. 10/614,126, filed on Jul. 8, 2003, now Pat. No. 6,893,118, which is a continuation of application No. 10/108,394, filed on Mar. 29, 2002, now Pat. No. 6,616,255."

to read:

--Continuation of U.S. patent application Ser. No. 11/391,644, filed Mar. 29, 2006 which is a continuation-in-part of: U.S. patent application Ser. No. 11/024,624, filed on Dec. 30, 2004 (which is a continuation-in-part of U.S. patent application Ser. No. 10/255,604, filed Sep. 27, 2002 now U.S. Pat. No. 7,137,689 and U.S. patent application Ser. No. 10/938,840, filed on Sep. 13, 2004) and U.S. patent application Ser. No. 11/101,447, filed Apr. 8, 2005 now U.S. Pat. No. 7,033,011 (which is a continuation of U.S. patent application Ser. No. 10,614,126, filed Jul. 8, 2003, now U.S. Pat. No. 6,893,118 which, in turn, is a continuation of U.S. patent application Ser. No. 10/108,394, filed Mar. 29, 2002) now U.S. Pat. No. 6,616,255.--

MAILING ADDRESS OF SENDER: OLIFF & BERRIDGE, PLC
P.O. Box 320850 (JAO:JOC/ldg)
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

PATENT NO. 7,300,144 B2

No. of additional copies

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comment on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Patent Publisher

JUL 2 2 2008

PTO/SB/44 (02-01)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,300,144 B2

DATED : November 27, 2007

INVENTOR(S) : Naoki Katayama; Toyonori SASAKI; Tomohiro KANBE; Katsunori NISHIDA

Column 1, lines 23-35, change

"This application is a continuation-in-part: U.S. patent application Ser. No. 11/024,624, filed Dec. 30, 2004 (which is a continuation-in-part of U.S. patent application Ser. No. 10/255,604, filed Sep. 27, 2002 now U.S. Pat. No. 7,137,689 and U.S. patent application Ser. No. 10/938,840, filed Sep. 13, 2004) and U.S. patent application Ser. No. 11/101,447, filed Apr. 8, 2005 now U.S. Pat. No. 7,033,011 (which is a continuation of U.S. patent application Ser. No. 10/614,126, filed Jul. 8, 2003, now U.S. Pat. No. 6,893,118 which, in turn, is a continuation of U.S. patent application Ser. No. 10/108,394, filed Mar. 29, 2002) now U.S. Pat. 6,616,255, the disclosures of which are incorporated herein by reference in their entireties."

to read:

--This application is a continuation of U.S. patent application Ser. No. 11/391,644, filed Mar. 29, 2006 which is a continuation-in-part of: U.S. patent application Ser. No. 11/024,624, filed on Dec. 30, 2004 (which is a continuation-in-part of U.S. patent application Ser. No. 10/255,604, filed Sep. 27, 2002 now U.S. Pat. No. 7,137,689 and U.S. patent application Ser. No. 10/938,840, filed on Sep. 13, 2004) and U.S. patent application Ser. No. 11/101,447, filed Apr. 8, 2005 now U.S. Pat. No. 7,033,011 (which is a continuation of U.S. patent application Ser. No. 10,614,126, filed Jul. 8, 2003, now U.S. Pat. No. 6,893,118 which, in turn, is a continuation of U.S. patent application Ser. No. 10/108,394, filed Mar. 29, 2002) now U.S. Pat. No. 6,616,255, the disclosures of which are incorporated herein by reference in their entireties.--

Column 3, line 23, change "of FIG. 16" to --in FIG. 16--.

Column 4, line 49, change "attachement/detachment" to --attachment/detachment--.

Column 5, line 1, change "FIGS. 58A" to --FIG. 58A--.

Column 7, lines 50-51, change "recording sheet recording sheet" to --recording sheet--.

MAILING ADDRESS OF SENDER: OLIFF & BERRIDGE, PLC
P.O. Box 320850 (JAO:JOC/ldg)
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

PATENT NO. 7,300,144 B2
No. of additional copies

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comment on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JUL 22 2008

PTO/SB/44 (02-01)
Approved for use through 1/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,300,144 B2

DATED : November 27, 2007

INVENTOR(S) : Naoki Katayama; Toyonori SASAKI; Tomohiro KANBE; Katsunori NISHIDA

Column 9, line 30, change "to the inside to the engine housing 62." to --to the inside of the engine housing 62 --.

Column 12, lines 15-16, change "FIG. 112" to --FIG. 10--.

Column 13, line 40, change "later" to --later, --.

Column 13, line 49, change "is not block" to --is not blocked--.

Column 16, line 18, change "by the through a small-diameter" to --through a small-diameter--.

Column 19, line 28, change "extend from on opposite sides" to --extend from opposite sides--.

Column 21, lines 62-63, change "disposed inserted" to --inserted--.

Column 21, line 64, change "toward to" to --toward--.

Column 22, line 58, change "FIG. retrieval unit 10" to --FIG. 10--.

Column 25, line 19, change "partition walls 10" to --partition walls 110--.

Column 27, line 57, change "ink supply hole ink supply hole" to --ink supply hole--.

Column 31, line 9, change "of an user" to --of a user--.

Column 32, line 19, change "accommodates" to --accommodated--.

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Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

PATENT NO. 7,300,144 B2
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Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comment on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Public Publication

JUL 2 2 2008

PTO/SB/44 (02-01)
Approved for use through 1/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Action of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,300,144 B2

DATED : November 27, 2007

INVENTOR(S) : Naoki Katayama; Toyonori SASAKI; Tomohiro KANBE; Katsunori NISHIDA

Column 34, line 62, change "reduces it" to --reduces its--.

Column 39, line 39, change "of an exemplary as shown" to --of an exemplary embodiment as shown--.

Column 53, line 33, change "will not received" to --will not be received--.

Column 57, line 43, change "projections 5300a, 5330b" to --projections 5330a, 5330b--.

MAILING ADDRESS OF SENDER: OLIFF & BERRIDGE, PLC
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Telephone: (703) 836-6400

PATENT NO. 7,300,144 B2
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Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comment on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JUL 2 2 2008

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20080730

DATE : August 16, 2008

TO SPE OF : ART UNIT 2861

SUBJECT : Request for Certificate of Correction on Patent No.: 7,300,144

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: /Matthew Luu/ **Art Unit** 2861

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/605,955	11/30/2006	Guillaume Cassin	130447	5793

7590 06/03/2009

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
WOODWARD, MICHAEL P	

ART UNIT	PAPER NUMBER
1615	

MAIL DATE	DELIVERY MODE
06/03/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Zalutus Buchanan

Patent Publication Branch
Office of Data Management

Adjustment date: 06/03/2009 KKING1
12701/2006 HLE333 00000041 11605955
02 FC:1111 -500.00 OP
04 FC:1202 -1400.00 OP

Repln. Ref: 06/03/2009 KKING1 0017403400
DA#:150461 Name/Number:11605955
FC: 9204 $1900.00 CR

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/605,959	11/30/2006	Chae-Ho Ko	P57970	5698

7590 03/13/2009

ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER	
MATAR, AHMAD	
ART UNIT	**PAPER NUMBER**
2614	
MAIL DATE	**DELIVERY MODE**
03/13/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
03/16/2009 NFARMER 0000166502

CHECK Refund Total: $700.00

Adjustment date: 03/16/2009 NFARMER
12/01/2006 HLE333 00000037 11605959
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP

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FALLS CHURCH VA 22040-0747

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JUL 29 2009

OFFICE OF PETITIONS

In re Application of
Sheng Lyang Jang et al
Application No. 11/605,969
Filed: November 30, 2006
Attorney Docket No. 0941-2272PUS1

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 15, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed May 13, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

Kathy Manke
Avago Technologies Limited
4380 Ziegler Road
Fort Collins, CO 80525

COPY MAILED

JUL 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Siew It Pang	:	
Application No. 11/605,984	:	DECISION ON PETITION
Filed: November 27, 2006	:	
Attorney Docket No. 70060185-1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on January 24, 2008, to revive the above-identified application.

The application became abandoned for failure to file a complete reply to the Restriction/Election Requirement mailed May 9, 2007. A Notice of Abandonment was mailed on January 16, 2008.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Thomas Woods 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.

Additionally, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

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 $1,540; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office acknowledges receipt of $1,640 for a four month extension of time filed on January 24, 2008. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1,640 extension of time was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

The application file is being referred to Technology Center Art Unit 2875 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Thomas Woods
P.O. Box 2628
Lyons, CO 80540

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.
11/606,005	11/30/2006	Kei Takizawa	008312-0358768	6526

7590 08/20/2009

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER	
WERNER, BRIAN P	

ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
08/20/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment Date: 08/21/2009 RPOWELL
12/01/2006 RWOLDGE1 00000034 033975 11606005
02 FC:1111 500.00 CR

Adjustment date: 08/21/2009 RPOWELL
12/01/2006 RWOLDGE1 00000034 033975 11606005
02 FC:1111 500.00 CR

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/606,023	11/30/2006	Kazuhiro Yoshida	008312-0358811	7520

7590 07/30/2009

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER	
EVANS, JEFFERSON A	

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
07/30/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 08/04/2009 BPOWELL
12/01/2006 GWORDOF1 00000052 033975 11606023
02 FC:1111 500.00 CR

Refund Ref:
08/04/2009 0J30072906

Credit Card Refund Total: $700.00

AE Exp..: XXXXXXXXXXX2021

FORM PET651G (Rev. 08/07)

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 08/03/2010

Applicant	: Takayuki Iwaki	: DECISION ON REQUEST FOR
Patent Number	: 7642155	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/606,034	: 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 **73** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Mail Date: 04/20/2010

Applicant	: Yuji Harada	: DECISION ON REQUEST FOR
Patent Number	: 7666967	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/606,069	: 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 **233** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 : 3/30/09

TO SPE OF : ART UNIT 2837

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/606089 Patent No.: 7447423 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

Virginia Tolbert
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**	All changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

Walter Benson — SPE

2837 — Art Unit

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 05/11/2010

Applicant	: Hsin-Huang Hsieh	: DECISION ON REQUEST FOR
Patent Number	: 7615442	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/606,100	: 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 **511** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314

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MAR 12 2008

OFFICE OF PETITIONS

In re Application of :
Chen et al. :
Application No. 11/606101 : NOTICE
Filed: 11/30/2006 :
Attorney Docket No. CHEN4058/EM :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on September 27, 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.

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) 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/22/2010

Applicant	: Alex Horng	: DECISION ON REQUEST FOR
Patent Number	: 7604459	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/606,105	: 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 **371** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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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SCHIFF HARDIN LLP
PATENT DEPARTMENT
6600 SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO, IL 60606

COPY MAILED

APR 12 2007

OFFICE OF PETITIONS

In re Application of	:	
Wilfried Schnell et al	:	
Application No. 11/606,162	:	DECISION GRANTING
Filed: November 28, 2006	:	PETITION
Attorney Docket No. P06.0345	:	

This is a decision on the petitions, filed December 29, 2006 and January 22, 2007, requesting that the above-identified application be accorded a filing date of November 28, 2006, rather than the presently accorded date of November 29, 2006. The petitions are properly treated as a petition under 37 CFR 1.10(d).

The petition is **GRANTED**.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on November 28, 2006 pursuant to 37 CFR 1.10. The "date-in" on the copy of the Express Mail label receipt no. EV635788911US is illegible to the extent that the date of "29" was superimposed over "28." The same Express Mail number is found on the original application papers located in the official file.

Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and

(3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

As noted above, the "date-in" on the Express Mail label is illegible to the extent that it appears that the date of "29" was written over the date of "28." However, the copy of the USPS Express Mail Track and Confirm record of the search results for Express Mail Label No. EV635788911US submitted with the petition confirms that the package in question was accepted on November 28, 2006, and not November 29, 2006, which is the filing date accorded this application. In view of the USPS Track and Confirm record, it is concluded that the Express Mail package at issue was entrusted to the USPS on November 28, 2006. Accordingly, this application is entitled to a filing date of November 28, 2006, and has been so accorded.

A Corrected Filing Receipt accompanies this decision on petition.

This application file is currently before Technology Center AU 2859 awaiting examination.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3218. Telephone inquiries related to the status or examination of this application should be directed to the Technology Center.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/606,162	11/28/2006	2859	1000	P06,0345	15	1

CONFIRMATION NO. 6839

CORRECTED FILING RECEIPT

OC000000023360920

SCHIFF HARDIN LLP
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, IL 60606

Date Mailed: 04/12/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Wilfried Schnell, Forchheim, GERMANY;
Markus Vester, Nurnberg, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number **26574**.

Domestic Priority data as claimed by applicant

Foreign Applications

GERMANY 10 2005 056 602.2 11/28/2005

If Required, Foreign Filing License Granted: 12/28/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/606,162

Projected Publication Date: 05/31/2007

Non-Publication Request: No

Early Publication Request: No

Title

Resonator for magnetic resonance applications

Preliminary Class

324

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof

unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Date Mailed: October 8, 2009
Patent No. :7,5,66,936 B2
Ser. No. :11/606181
Issued : July 28, 2009
Inventor(s) : Tadahiro Ohmi, et al.
Title :ELECTROMAGNETIC ALIGNMENT AND SCANNING APPARATUS

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, attorney agent/firm) 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: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Magdalene Talley
For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(571) 272-0423

Finnegan, Henderson, Farabow,
Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

MD/mt

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Posz Law Group, PLC
12040 South Lakes Drive
Suite 101
Reston, VA 20191

COPY MAILED
OCT 27 2008

In re Application of	:	
David C. Niemoller et al.	:	
Application No. 11/606,209	:	DECISION ON PETITION
Filed: November 30, 2006	:	TO WITHDRAW
Attorney Docket No. 57-010	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 10, 2008.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed. Refer to Form No. PTO/SB/83 (Updated 4/2008).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Secure Elements, Inc.
198 Van Buren Street, Suite 110
Herndon, VA 20170

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Posz Law Group, PLC
12040 South Lakes Drive
Suite 101
Reston, VA 20191

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OCT 3 1 2008

OFFICE OF PETITIONS

In re Application of
David C. Niemoller et al.
Application No. 11/606,209
Filed: November 30, 2006
Attorney Docket No. 57-010

Corrected Decision on Petition
To Withdraw
From Record

This is a corrected decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed October 10, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Cynthia K. Nicholson on behalf of all attorneys/agents associated with customer number 23400. All attorneys/agents associated with customer number 23400 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.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number). To correct the application file please submit a proper statement under 37 CFR 3.73(b).

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Secure Elements, Inc.
198 Van Buren Street, Suite 110
Herndon, VA 20170

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
11/606,209	11/30/2006	David C. Niemoller	57-010

CONFIRMATION NO. 6238

POWER OF ATTORNEY NOTICE

23400
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

OC000000032889321

Date Mailed: 10/31/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed October 10, 2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Kraguljac & Kalnay, LLC - Oracle
4700 Rockside Road
Summit One, Suite 510
Independence, OH 44131

Mail Date: 04/20/2010

Applicant	: Rikin Gandhi	: DECISION ON REQUEST FOR
Patent Number	: 7610281	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/606,213	: 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 **231** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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WILLIAM COLLARD
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

COPY MAILED

MAR 2 3 2007

OFFICE OF PETITIONS

In re Application of :
Saito, et al. : ON PETITION
Application No.: 11/606,218 :
Filed: November 29, 2006 :
Attorney Docket No.: SAITO ET AL-9 :
For: CARD CONNECTOR HAVING AN EJECTING MEMBER WITH WHICH A CAM FOLLOWER AND A LOCKING MEMBER ARE INTEGRALLY COUPLED

This is a decision on the petition under 37 CFR 1.47(a), filed February 23, 2007 (certificate of mailing date February 21, 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. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on November 29, 2006 without an executed oath or declaration. Accordingly, on December 21, 2006, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on February 23, 2007 (certificate of mailing date February 21, 2007), a declaration executed by one of two joint inventors, the surcharge, and the instant petition and required petition fee were filed. The statement of facts of Masaki Nagaizumi establishes that a letter, application, and declaration were mailed to Mr. Saito's last known address, but the package was returned as unclaimed due to absence of recipient.

A grantable petition under 37 CFR 1.47(a) requires

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the fee of $200, and
(4) the last known address of the omitted inventor(s).

This petition lacks item (1).

As to item (1), applicant has failed to establish that Mr. Saito cannot be reached.

The mailing to Mr. Saito was returned unclaimed. This fact alone does not establish diligence in trying to locate the missing inventor.

Petitioner must engage in further efforts to locate Mr. Saito. Possible sources of information regarding Mr. Saito's location are inquiries of local telephone directory, inquiries of any extant national or regional registries, telegrams, and searches of Internet databases. Every listed type of search need not be done. However, a diligent effort to find the inventor must be made.

An affidavit or declaration of facts that fully describes the exact facts which are relied upon to establish that a diligent effort was made to locate the non-signing inventor must be presented. The affidavit or declaration of facts must be signed by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

Documentary evidence that supports a finding that the non-signing inventor could not be found or reached should be made part of any affidavits or declarations that fully describe the exact facts which are relied upon to establish that a diligent effort was made to locate the non-signing inventor. Printed computer records would suffice.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILLIAM COLLARD
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

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MAY 04 2007

OFFICE OF PETITIONS

In re Application of
Saito, et al.
Application No.: 11/606,218
Filed: November 29, 2006
Attorney Docket No.: SAITO ET AL-9
For: CARD CONNECTOR HAVING AN EJECTING MEMBER WITH WHICH A CAM FOLLOWER AND A LOCKING MEMBER ARE INTEGRALLY COUPLED

: DECISION NOTING JOINDER
: OF PREVIOUSLY NON-SIGNING
: INVENTOR AND DISMISSING
: PETITION UNDER 37 CFR 1.47(A)
: AS MOOT

Papers filed on April 16, 2007 (certificate of mailing date April 12, 2007) in reply to "Decision Refusing Status Under 37 CFR 1.47(a)" mailed on March 23, 2007, included a Declaration signed by the previously non-signing inventor, Chikara Saito, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

After the mailing of this decision, the application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
11/606,236	11/30/2006	Geert Maertens	BJS-2551-198	6942

23117 7590 04/26/2010

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
MARTINELL, JAMES	
ART UNIT	PAPER NUMBER
1634	

MAIL DATE	DELIVERY MODE
04/26/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of: MAERTENS et al. :
Serial No: 11/606,236 : DECISION
Filed: November 30, 2006 : ON
Attorney Docket No: BJS-2551-198 : PETITION
Title: **SEQUENCES OF HEPATITIS C VIRUS GENOTYPES AND THEIR USE AS THERAPEUTIC AND DIAGNOSTIC AGENTS** :

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on February 1, 2010.

BACKGROUND

This application was filed under 35 U.S.C. §111(a) and as such is subject to US restriction practice.

On April 22, 2009 the Examiner set forth a holding of Lack of Unity in accord with 35 U.S.C. §121 and §372 and PCT Rule 13.1.

The examiner asserted that claims 1-38 include a large number of structurally unrelated polynucleotides which do not share the corresponding special technical feature.

DISCUSSION

As asserted by petitioner this application was filed under 35 U.S.C. 111(a) and as such is subject to US restriction practice. Therefore restriction, if required, in this application would follow the procedures set forth in Chapter 800 of the M.P.E.P. with regard to applications filed under 35 U.S.C. §111 and not those applicable to applications filed under 35 U.S.C. §371.

DECISION

The petition is **GRANTED** for the reasons set forth above.

Should there be any questions about this decision, please contact Quality Assurance Specialist Michael P. Woodward, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-8373 or by facsimile sent to the general Office facsimile number, 571-273-8300.

George C. Elliott
Director, Technology Center 1600

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

Mail Date: 04/21/2010

Applicant	: Robert James Donohue	: DECISION ON REQUEST FOR
Patent Number	: 7647949	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/606,269	: 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 **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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APR 25 2008

OFFICE OF PETITIONS

Bingham McCutchen, LLP
Three Embarcadero Center
San Francisco, CA 94111-4067

In re Application of :
Li Yao et al. :
Application No. 11/606,307 : DECISION ON PETITION
Filed: November 27, 2006 : TO WITHDRAW
Attorney Docket No. MRay-7052202001 : FROM RECORD
12006343E :

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 21, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Gerald Chan on behalf of all attorneys/agents associated with customer number 23639. All attorneys/agents associated with customer number 23639 have been withdrawn.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first named inventor. A courtesy copy of this decision will be mailed to the address noted on the request to withdraw. If this firm desires to receive future correspondence regarding this application, the proper power of attorney documents must be submitted.

Applicant is reminded that there is no attorney of record at this time.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Li Yao
Keji 12th Road South
Hi-tech Industrial Park
Nanshan, Shenzhen
P.R. CHINA

cc: Mindray c/o Stoel Rives, LLP
201 S. Main Street
Suite 1100
Salt Lake City, UT 84111

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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
11/606,307	11/27/2006	Li Yao	MRay-7052202001 12006343E

CONFIRMATION NO. 7736

23639
BINGHAM MCCUTCHEN LLP
Three Embarcadero Center
San Francisco, CA 94111-4067

POWER OF ATTORNEY NOTICE

OC000000029265626

Date Mailed: 04/04/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/21/2008.

- 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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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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MINDRAY C/O STOEL RIVES LLP
201 S. MAIN STREET
SUITE 1100
SALT LAKE CITY UT 84111

MAILED

MAY 12 2009

OFFICE OF PETITIONS

In re Application of :
Yao, et al. :
Application No. 11/606,307 : DECISION ON PETITION
Filed: November 27, 2006 :
Attorney Docket No. 38739/21 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 16, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned September 13, 2008 for failure to reply in a timely manner to the non-final Office action, mailed June 12, 2008. The non-final Office action set a three month shortened statutory period of time for reply. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed January 12, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply to the non-final Office action, (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 2111 for further processing.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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MYERS DAWES ANDRAS & SHERMAN, LLP
19900 MACARTHUR BOULEVARD, SUITE 1150
IRVINE, CA 92612

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JAN 08 2009

In re Application of
Emil KARTALOV, et al.
Application No. 11/606,312
Filed: November 28, 2006
Attorney Docket No. **CIT1.PAU.60**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 2, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **MYERS DAWES ANDRAS & SHERMAN, LLP** has been revoked by the assignee of the patent application on October 7, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **LAW OFFICE OF DANIEL L. DAWES**
5200 WARNER BOULEVARD, SUITE 106
HUNTINGTON BEACH, CA 92649

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 4/21/09

Paper No.: _____

TO SPE OF : ART UNIT 2821

SUBJECT : Request for Certificate of Correction for Appl. No.: 11606333 Patent No.: 7277056

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Valerie Jacobs

Certificates of Correction Branch

703-308-9390 ext. 114

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**	All changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: The request for corrections has been approved by Examiner.

_____

_____

_____

_____

_____ 2821

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

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MAR 30 2007

OFFICE OF PETITIONS

In re Application of
Bradford et al.
Application No. 11/606,355
Deposited: November 30, 2006
Attorney Docket No.: 51369
Title of Invention: Hot-Stick Capable Cutout Cover

ON PETITION

This is a decision on the Petition for Filing Date filed January 22, 2007, requesting that the above-identified application be accorded the filing date of November 30, 2006.

Application papers in the above-identified application were deposited on November 30, 2006. However, on December 21, 2006, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings.[1]

In response, 7 sheets of drawings and the present petition were filed on January 22, 2007. The petition contends that the application as filed included 7 sheets of drawings and were described in the original filed specification. In support, the petition is accompanied by a copy of applicants' postcard receipt which acknowledges receipt in the office of "Drawings 7 sheets" on November 30, 2006.

Applicants' postcard receipt is prima facie[2] evidence that drawings were received on November 30, 2006, but no drawings are present in the file. Hence, it is clear that the papers for this

---

[1] See 35 U.S.C. 111(a)(4)

[2] A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the office of all items listed thereon. See MPEP 503.

application were mishandled by the Office. Therefore, it is concluded that 7 sheets of drawings were received on November 30, 2006, as shown in counsel's file, and later misplaced in the Office.

The petition is Granted. The petition fee will be refunded.

Since the original drawings cannot be located in the Office, the copy of the drawings supplied on January 22, 2007, will be used for processing and examination purposes.

The application will be returned to the Office of Initial Patent Examination for further processing with a **filing date of November 30, 2006**, using the 7 sheets of drawings supplied on January 22, 2007.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/606,370	11/30/2006	Hiroyuki Hagano	26D-042	5806

7590 09/10/2009

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
NIESZ, JASON KAROL	

ART UNIT	PAPER NUMBER
3751	

MAIL DATE	DELIVERY MODE
09/10/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

$500.00 CR

-500.00 DP

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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

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OCT 27 2008

In re Application of :
Henry Bernhardt, et al. :
Application No. 11/606,381 : DECISION ON PETITION
Filed: November 30, 2006 : TO WITHDRAW
Attorney Docket No. 1525.034583 : FROM RECORD
:

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 27, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on May 8, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056

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2345 YALE STREET
SECOND FLOOR
PALO ALTO, CA 94306

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JAN 12 2009

OFFICE OF PETITIONS

In re Application of Mazin et al. :
Application No. 11/606,408 : Decision on Petition
Filing Date: November 28, 2006 :
Attorney Docket No. S05-261/US :

This is a decision on the petition under 37 CFR 1.181 filed August 12, 2008, requesting the Office withdraw the holding of abandonment. This is also a decision in response to the request under 37 CFR 1.28(c) filed August 12, 2008.[1]

The petition under 37 CFR 1.181 is **granted**.

The request under 37 CFR 1.28(c) is **granted**.

The petition under 37 CFR 1.181

The Office mailed a Notice of Allowance on March 28, 2008. The Notice required the submission of the issue fee of $720 and publication fee of $300. The Notice set a statutory period for reply of three (3) months.

A reply to the Notice of Allowance was not matched with the file. As a result, a Notice of Abandonment was mailed August 1, 2008.

Petitioner contends the issue fee, publication fee, and issue fee transmittal form were timely filed on May 20, 2008. Petitioner has submitted a date-stamped postcard receipt indicating receipt of four items including "Issue Fee Transmittal" and "PTO-2038 Form (charged $2335.00). The postcard indicates the items were received on May 20, 2008. A copy of the items listed on the postcard accompanies the petition.

The original papers filed May 20, 2008, were not matched with the file and cannot be located. However, M.P.E.P. 503 states, "[a] postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the

[1] The originally filed request cannot be located. Therefore, this decision is based on the copy of the request filed August 12, 2008.

papers were timely filed in the Patent and Trademark Office but not matched with the application file.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The request under 37 CFR 1.28(c)

Although the request under 37 CFR 1.28(c) originally filed May 20, 2008, was not set forth in a separate paper, the Office will now consider the request.

The request is granted and the deficiency payment of $595 is hereby accepted.

The change of status to large entity has been entered and made of record.

Current status of application

The holding of abandonment has been withdrawn and the issue fee and publication fee have been accepted.

The Patent Publication Branch of the Office of Data Management will be informed of the instant decision and the application will be issued as a patent 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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KENNETH WATOV, ESQ.
WATOV & KIPNES, P.C.
P.O. BOX 247
PRINCETON JUNCTON NJ 08550

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DEC 2 2 2009

OFFICE OF PETITIONS

In re Application of :
MOSTELLO, Robert Anthony :
Application No. 11/606,421 : DECISION ON PETITION
Filed: November 30, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. **1364.1.003** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 26, 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 Robert Anthony Mostello 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 the undersigned at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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KENYON & KENYON LLP
1500 K STREET N.W.
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Jens Bockenhauer	: DECISION ON REQUEST FOR
Patent Number	: 7661113	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/606,441	: 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 **677** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Philip J. Lee
Suite 525
10050 Regency Circle
Omaha, NE 68114

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APR 22 2009

OFFICE OF PETITIONS

In re Application of :
Michael L. Curtis :
Application No. 11/606,472 : ON PETITION
Filed: November 30, 2006 :
Attorney Docket No. 7041.P38 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 7, 2009, to revive the above-identified application.

The application became abandoned for failure to file a reply to the non-final Office action mailed on August 21, 2008. A Notice of Abandonment was mailed on March 23, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3747 for review of the amendment filed with the present petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/606,478	11/29/2006	Cem Basceri	M122-3440

WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE WA 99201

DATE MAILED: August 16, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed August 14, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

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MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY
SUITE 1001
WESTBOROUGH, MA 01581

Mail Date: 04/21/2010

Applicant	: Kouichi Moriya	: DECISION ON REQUEST FOR
Patent Number	: 7602107	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/606,511	: 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 **442** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CYTYC CORPORATION
DARRY PATTINSON, SR. IP PARALEGAL
250 CAMPUS DRIVE
MARLBOROUGH MA 01752

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AUG 0 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Joseph A. Sorge	:	
Application No. 11/606,518	:	DECISION ON PETITION
Filed: November 29, 2006	:	
Docket No. 30.057011 DIV 11	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 15, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed December 5, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 6, 2009. A Notice of Abandonment was mailed June 16, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. *See* MPEP 711.03(c)(II)(C) and (D). The instant petition lacks items (3).

With regards to item (3) petitioner has not submitted a proper unintentional statement. A PTO/SB/64 petition form is enclosed.

Any renewed petition may be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/64 form

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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DARRY PATTINSON, SR. IP PARALEGAL
250 CAMPUS DRIVE
MARLBOROUGH MA 01752

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NOV 0 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Joseph A. Sorge	:	
Application No. 11/606,518	:	DECISION ON PETITION
Filed: November 29, 2006	:	
Attorney Docket No. 30.057011 DIV 11	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 6, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a proper After-Final Amendment (previously filed June 15, 2009), (2) the petition fee of $1,620.00 (previously paid June 15, 2009), and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 1634 for appropriate action by the Examiner in the normal course of business on the reply received June 15, 2009.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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HONEYWELL/IFL
Patent Services
101 Columbia Road
P.O.Box 2245
Morristown, NJ 07962-2245

Mail Date: 04/20/2010

Applicant	: David Pepitone	: DECISION ON REQUEST FOR
Patent Number	: 7623044	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/606,546	: 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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HONEYWELL/IFL
Patent Services
101 Columbia Road
P.O.Box 2245
Morristown, NJ 07962-2245

Mail Date: 05/17/2010

Applicant : David Pepitone
Patent Number : 7623044
Issue Date : 11/24/2009
Application No: 11/606,546
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 **383** 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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KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET, SUITE 2800
ATLANTA, GA 30309-453

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of :
RYAN, et al. :
Application No. 11/606,565 : DECISION GRANTING PETITION
Filed: November 29, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. W2100/337069 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 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 September 3, 2008 *cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.*[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2155 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.*

DOCKET NO. W2100/337069

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
RYAN, ET AL.	)	
	)	Art Unit: **2155**
Application No. **11/606,565**	)	
	)	Examiner: **Barot, Bharat**
Filed: **November 29, 2006**	)	
	)	
For: **WEATHER INFORMATION DELIVERY SYSTEMS AND METHODS PROVIDING PLANNING FUNCTIONALITY AND NAVIGATIONAL TOOLS**	)	

PETITION UNDER 37 C.F.R. §1.313(c)(2)
TO WITHDRAW APPLICATION FROM ISSUE

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition the U.S. Patent Office under 37 C.F.R. §1.313(c)(2) to withdraw the above-identified application from issue to allow consideration of a Request for Continued Examination in compliance with 37 C.F.R. §1.114.

Concurrently with this Petition, Applicants file a Request for Continued Examination and an Information Disclosure Statement pursuant to 37 C.F.R. §1.97 and 1.98. Each item of information contained in the attached Form PTO/SB/08A was first cited in the parent application, U.S. Application Serial No. 09/766,295 filed January 19, 2001, now U.S.

09/29/2008 GARIAS 00000003 110855 11606565

01 FC:1464 130.00 DA

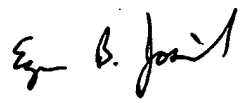
I hereby certify that this correspondence is being electronically filed with the United States Patent & Trademark Office on September 25, 2008 through its EFS-Web electronic filing system.

Lesley Andrew

Lesley L. Andrew

Patent No. 7,185,044. Applicants request that this Petition be granted, and that the items of information be considered by the Examiner.

Respectfully submitted,



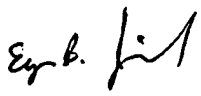
By: Eugene B. Joswick, III
Reg. No.: 50,917

KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, GA 30309-4530
Phone: (404) 815-6500
Facsimile: (404) 815-6555
Docket: W2100/337069

The citation of this information does not constitute an admission of priority or that any cited item is available as a reference, or a waiver of any right Applicants may have under applicable statutes, Rules of Practice in patent cases, or otherwise.

Since this Information Disclosure Statement is being filed concurrently with a Request for Continued Examination, no fee is believed to be due. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. 1.16 or 1.17, which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



By: Eugene B. Joswick III
Registration No. 50,917

KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, GA 30309-4530
Phone: (404) 815-6500
Facsimile: (404) 815-6555
Our Docket: W2100/337069

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LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109

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SEP 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Jagtap et al.	:	
Application No. 11/606,577	:	LETTER REGARDING
Filed: November 30, 2006	:	PATENT TERM ADJUSTMENT
Attorney Docket No. ITJ-036	:	

This is in response to the REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT, filed June 18, 2009. Applicants disclose that the patent term adjustment (PTA) indicated on the Determination of Patent Term Adjustment may extend the term of this patent by too many days.

The request for review of the 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 **FIFTY (50)** days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On March 23, 2009, the Office mailed a Notice of Allowance with the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 153 days.

Applicants disclose that they believe that the patent term adjustment indicated in the Determination of Patent Term Adjustment is incorrect and should be recalculated. Applicants do not state a specific basis for their request for review of the patent term adjustment.

A review of the application history reveals that Applicants are correct. On July 29, 2008, the Office mailed a non-final Office

action. On November 26, 2008, Applicants filed a response. The Office properly entered a period of reduction of 28 days pursuant to 37 CFR 1.704(b) because a response was filed 3 months and 28 days after the July 29, 2008 Office action was mailed. A supplemental reply, in the form of an IDS, was filed on January 23, 2009. Pursuant to 37 CFR 1.704(c)(8), a period of reduction of 58 days should have been entered (November 27, 2008 to January 23, 2009). Another supplemental reply, this time in the form of a supplemental amendment, was filed on March 9, 2009. Pursuant to 37 CFR 1.704(c)(8), a period of reduction of 45 days should have been entered (January 24, 2009 to March 9, 2009). Accordingly, a period of reduction of 58 days and a period of reduction of 45 days will be entered.

Further corrections to the PTA Calculations for this application are necessary. A Notice of Allowance was mailed on March 23, 2009, not on March 31, 2009, as currently shown in the PTA Calculations. On March 30, 2009, applicants filed an IDS. Currently, there is a 124 day reduction entered for the March 30, 2009 IDS as a supplemental reply to the November 26, 2008 response after a non-final Office action. This entry is not warranted and should be removed because the IDS is not a supplemental reply under 37 CFR 1.704(c)(8). The IDS was filed after a Notice of Allowance was mailed. Therefore, it will be a reduction under 37 CFR 1.704(c)(10). Accordingly, the 124 day period of reduction will be removed from PTA Calculations. The mail date of the Notice of Allowance will be corrected to March 23, 2009, which is within four months of the filing of the November 26, 2008 response after non-final Office action. Accordingly, there was no delay under 37 CFR § 1.702(a)(2), and the 5 day period of adjustment will be removed.

In view thereof, the correct patent term adjustment at the time of mailing of the Notice of Allowance on March 23, 2009 is FIFTY (50) days (181 Office delay - 131 Applicant delay).

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

As this letter was submitted to advise the Office of an error in applicant's, the Office will not assess the $200.00 fee under 37

CFR 1.18(e). The Office thanks applicant for their good faith and candor in bringing this to the attention of the Office.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen

PTA Calculations for Application: 11/606577			
Application Filing Date:	11/30/2006	PTO Delay (PTO):	186
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	152
Post-Issue Petitions:	0	Total PTA (days):	50
PTO Delay Adjustment:	16		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
68	09/14/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		5	
67	09/14/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	124		
66	09/14/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		45	
65	09/14/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		58	
56	03/31/2009	MAIL NOTICE OF ALLOWANCE	5		30
55	03/31/2009	MAIL EXAMINER'S AMENDMENT			
54	03/31/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
53	03/31/2009	EXAMINER'S AMENDMENT COMMUNICATION			
52	03/31/2009	NOTICE OF ALLOWABILITY			
51	03/30/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		124	30
50	03/31/2009	DATE FORWARDED TO EXAMINER			
49	03/09/2009	SUPPLEMENTAL RESPONSE			
48	01/23/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
33	01/23/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
32	01/23/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
31	12/10/2008	DATE FORWARDED TO EXAMINER			
30	11/26/2008	RESPONSE AFTER NON-FINAL ACTION		28	24
29	11/26/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
28	08/21/2008	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
27	08/20/2008	CORRESPONDENCE ADDRESS CHANGE			
26	07/29/2008	ELECTRONIC REVIEW			

25	07/29/2008	EMAIL NOTIFICATION			
24	07/29/2008	MAIL NON-FINAL REJECTION	181		-1
23	07/25/2008	NON-FINAL REJECTION			
22	08/23/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
18	05/05/2008	CASE DOCKETED TO EXAMINER IN GAU			
17	08/23/2007	REFERENCE CAPTURE ON IDS			
16	08/23/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	08/23/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	08/16/2007	PG-PUB ISSUE NOTIFICATION			
13	06/07/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
12	05/15/2007	APPLICATION DISPATCHED FROM OIPE			
11	05/15/2007	APPLICATION DISPATCHED FROM OIPE			
10	05/04/2007	SENT TO CLASSIFICATION CONTRACTOR			
9	05/04/2007	APPLICATION IS NOW COMPLETE			
8	04/13/2007	ADDITIONAL APPLICATION FILING FEES			
7	04/13/2007	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	01/05/2007	CLEARED BY L&R (LARS)			
4	12/13/2006	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
3	12/13/2006	CASE CLASSIFIED BY OIPE			
2	12/11/2006	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

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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O'KEEFE, EGAN, PETERMAN & ENDERS LLP
1101 CAPITAL OF TEXAS HIGHWAY SOUTH
#C200
AUSTIN, TX 78746

Mail Date: 04/21/2010

Applicant	: Thomas R. Schimert	: DECISION ON REQUEST FOR
Patent Number	: 7655909	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/606,621	: 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 **320** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

Mail Date: 04/21/2010

Applicant	: Ram Sasisekharan	: DECISION ON REQUEST FOR
Patent Number	: 7585642	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/606,623	: 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.

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

QUINE INTELLECTUAL PROPERTY LAW GROUP, PC
P.O. BOX 458
ALAMEDA, CA 94501

COPY MAILED

MAY 30 2008

OFFICE OF PETITIONS

In re Application of	:	
COX, et al.	:	
Application No. 11/606,634	:	DECISION ON PETITION
Filed: November 29, 2006	:	TO WITHDRAW
Attorney Docket No. **123897-182166**	:	FROM RECORD
	:	

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 3, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **QUINE INTELLECTUAL PROPERTY LAW GROUP, PC** has been revoked by the assignee of the patent application on April 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 the undersigned at 571-272- 7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **GOODWIN PROCTER, LLP**
ATTN: PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK, CA 94025-1105

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.
11/606,634	11/29/2006	David Cox	123897-182166	6694

77845 7590 11/06/2008

Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park, CA 94025-1105

EXAMINER	
POHNERT, STEVEN C	

ART UNIT	PAPER NUMBER
1634	

MAIL DATE	DELIVERY MODE
11/06/2008	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

Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park CA 94025-1105

NOV 0 6 2008

In re Application of:
Cox et al.
Serial No.: 11/606,634
Filed: November 29, 2006
Attorney Docket No: **123897-182166**

: PETITION DECISION

This is in response to the petition to enter and consider an Information Disclosure Statement filed October 20, 2008 under 37 CFR § 1.97(d). This petition was submitted with a fee as set forth in 37 CFR § 1.17(i). However, it should be noted that a petition to consider an IDS filed under 37 CFR § 1.97(d) must be accompanied by a fee of $180.00 as required by 37 CFR § 1.17(p). Thus, an additional amount of $50.00 was charged to Deposit Account No. 50-4634 as authorized by applicants. Applicants have also submitted the Certification as required by CFR §1.97(d).

DECISION

The petition is **GRANTED.**

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

George C. Elliott

George Elliott
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P:O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CYTYC CORPORATION
DARRY PATTINSON, SR. IP Paralegal
250 CAMPUS DRIVE
MARLBOROUGH, MA 01752

MAILED

JUN 07 2010

OFFICE OF PETITIONS

In re Application of :
Joseph A. SORGE :
Application No. 11/606,651 : DECISION ON PETITION
Filed: November 29, 2006 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **10070559-06** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 8, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 24, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 25, 2009.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and terminal disclaimer with fee $140, (2) the petition fee of $1620; and (3) an adequate statement of unintentional delay.

The address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 1634 for appropriate action by the Examiner in the normal course of business on the reply received January 8, 2010.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: **THEODORE R. ALLEN**
HOLOGIC INC
250 CAMPUS DRIVE
MARLBOROUGH, MA 01752

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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AGILENT TECHNOLOGIES INC
P.O. BOX 7599
BLDG E, LEGAL
LOVELAND, CO 80537-0599

MAILED

JUN 07 2010

OFFICE OF PETITIONS

In re Application of :
Joseph A. SORGE :
Application No. 11/606,651 : DECISION ON REQUEST FOR
Filed: November 29, 2006 : REVOCATION OF POWER
Attorney Docket No. **10070559-06** : OF ATTORNEY

This is a decision on the Request to Revoke the attorney or agent of record under 37 C.F.R. § 1.36(a), filed January 8, 2010.

The request is **APPROVED**.

A power of attorney, pursuant to § 1.32(b), may be revoked at any stage in the proceeding of a case by an applicant for patent (§ 1.41(b)) or an assignee of the entire interest of the applicant under § 3.71(b). Fewer than all of the applicants (or by fewer than the assignee of the entire interest of the applicant) may only revoke the power of attorney upon a showing of sufficient cause, and payment of the petition fee set forth § 1.17(h). For the assignee to take action a proper statement under § 3.73(b) is required.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **CYTYC CORPORATION**
DARRY PATTINSON, SR IP PARALEGAL
250 CAMPUS DRIVE
MARLBOROUGH, MA 01752

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MR. CHRISTOPHER JOHN ROURK
JACKSON WALKER LLP
901 MAIN STREET, SUITE 6000
DALLAS, TX 75202

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MAR 0 3 2008

OFFICE OF PETITIONS

Applicant: Davis S. Jones
Appl. No.: 11/606,654
Filing Date: November 29, 2006
Title: EVENT AND DATA MANAGEMENT SYSTEM AND METHOD
Attorney Docket No.: 129774.00001
Pub. No.: US 2007/0165642-A1
Pub. Date: July 19, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 17, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the front page of the patent application publication contains an error with respect to the assignment information. In particular, Applicant requests that the Assignee be changed from "Neural Audio Corporation" to "PAYjr, Inc.".

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records. Any request for a corrected or revised patent application publication other than as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The instant request does not identify a mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the assignment information. The application was correctly published with the assignment information provided on the transmittal letter.[2] Neural Audio Corporation was identified as the Assignee on the utility patent application transmittal filed November 29, 2006.

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[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).

[2] See 37 CFR 1.215 and Comment 59, Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57047 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 84 (Oct. 10, 2000) (final rule).

Applicants should not file requests for corrected publication when a publication includes errors in assignment information or missing assignment information. See MPEP 1130.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

A request for corrected publication under 37 CFR 1.221(b) may result in a patent term adjustment reduction where the Office made only non-material errors. See MPEP 1130. Applicant's request for a corrected patent application publication, received on August 17, 2007, may constitute a "failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application." See 37 CFR 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

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 in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any questions or request for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed: August 26, 2008

Mr. Christopher John Rourk
Jackson Walker LLP
901 Main Street, Suite 6000
DALLAS, TX 75202

Applicant: Jones
Appl. No.: 11/606,654
Filing Date: November 29, 2006
Title: EVENT AND DATA MANAGEMENT SYSTEM AND METHOD
Attorney Docket No.: 129774.00001
Pub. No.: US 2007/0165642 A1
Pub. Date: July 19, 2007

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on August 25, 2008, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, **as a Pre-Grant publication submission.**

It is also noted that the applicant has provided a copy of the preliminary amendment submitted upon filing and has requested that this preliminary amendment be incorporated into the

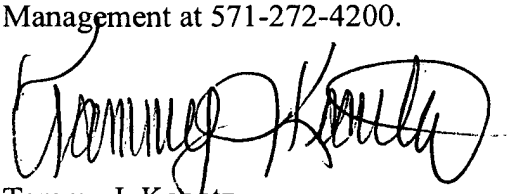
publication. Applicant is advised that any amendment to the specification must be accompanied by a clean substitute specification in order for the amendment to be included in the publication.

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: 08/27/2008 KKING1
08/26/2008 INTEFSW 00003047 100096 11606654
01 FC:1504 300.00 CR

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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JUL 10 2008

OFFICE OF PETITIONS

STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

In re Application of :
TSAI et al. :
Application No. 11/606,661 : NOTICE
Filed: 11/29/2006 :
Attorney Docket No. P920135CIPCON :

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed June 12, 2008.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The fee deficiency of $565.00 will be charged to the Deposit Account as requested.

This matter is being referred to Technology Center 2826.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/606,661	11/29/2006	2826	500	P920135CIPCON	19	1

CONFIRMATION NO. 7604

33197
STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE, CA 92618

CORRECTED FILING RECEIPT

Date Mailed: 07/09/2008

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)

Chen Jung Tsai, Hsinchu, TAIWAN;
Chih Wen Lin, Hsinchu, TAIWAN;

Assignment For Published Patent Application

Macronix International Co., Ltd.

Power of Attorney:

Frank Uxa Jr--25612
Robert Buyan--32460
Donald Stout--34493
Kenton Mullins--36331
Linda Fox--38883
Jo Anne Ybaben--42243
Greg Hollrigel--45374

Domestic Priority data as claimed by applicant

This application is a CON of 11/030,484 01/05/2005 PAT 7,217,995 which is a CIP of 10/987,468 11/12/2004

Foreign Applications

If Required, Foreign Filing License Granted: 12/21/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/606,661**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Chip stacking structure

Preliminary Class

257

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE, CA 92618

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JAN 14 2009

OFFICE OF PETITIONS

In re Application of :
Chen Jung **TSAI, et al.** :
Application No. 11/606,661 :
Filed: November 29, 2006 :
Attorney Docket No. **P920135CIPON** :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 16, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed July 16, 2008. Accordingly, the date of abandonment of this application is October 17, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510 and the publication fee of $300, (2) the petition fee of $1620; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to the Office of Data Management for processing into a patent.

Brian W. Brown
Petitions Examiner
Office of Petitions

MRD
11/18/08

Docket: P920135CIPCON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tsai et al.	/	
U.S. Application No: 11/606,661	/	Group Art Unit: 2826
Filed: November 29, 2006	/	Examiner: Williams, Alexander O
For: CHIP STACKING STRUCTURE	/	

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL AND PETITION TO REVIVE UNINTENTIONALLY ABANDONED PATENT

Dear Sir:

In response to the Notice of Abandonment mailed November 11, 2008, kindly find submitted herewith:

(1) Petition to Revive Unintentionally Abandoned Patent under 37 CFR 1.137(b), PTO Form SB64; and

(2) Deposit Account Authorization: The Commissioner is hereby authorized to charge deposit account 50-1600 for the required issue fee, publication fee, fee for 2 advance copies, petition fee to revive the unintentionally abandoned subject application, and for any additional fees.

Respectfully submitted,

November 18, 2008

Kenton R. Mullins
Attorney for Applicant
Registration No. 36,331

STOUT, UXA, BUYAN & MULLINS, LLP
4 Venture, Suite 300
Irvine, CA 92618
Tel: 949-450-1750
Fax: 949-450-1764

01/14/2009 CKHLOK 00000004 501600 11606661
01 FC:1453 1620.00 DA
02 FC:1501 1510.00 DA
03 FC:1505 300.00 DA

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

Mail Date: 05/10/2010

Applicant	: Abhimanyu Onkar Patil	: DECISION ON REQUEST FOR
Patent Number	: 7622534	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/606,673	: 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 **159** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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John C. Serio
Brown Rusnick Berlack Israels, LLP
One Financial Center, Box IP
Boston, MA 02111

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OFFICE OF PETITIONS

In re Application of	:	
Tiffany Thomas, et. al.	:	
Application No. 11/606,676	:	DECISION ON PETITIONS
Filed: November 30, 2006	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 24230/3-4	:	

This is a decision on the petitions under 37 CFR 1.78(a)(3), filed August 4, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed nonprovisional and PCT applications, as set forth in the concurrently filed amendment.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above; therefore, the petition is **DISMISSED.**

The reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Further, the amendment filed on August 4, 2008 fails to contain the filing date for PCT Application Serial No. WO 2006/15302, which claims benefit to Provisional Application Serial No. 60/719,025. Therefore, any substitute amendment or Application Data Sheet (ADS) must contain this information.

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an ADS or substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

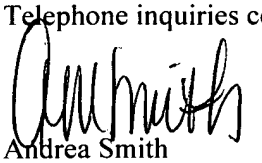
By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The Centralized facsimile number is **(571) 273-8300**, and documentation to this number should be addressed to the Office of Petitions.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.78(a)(3).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions

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John C. Serio
Brown Rusnick Berlack Israels, LLP
One Financial Center, Box IP
Boston, MA 02111

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JAN 2 8 2009

OFFICE OF PETITIONS

In re Application of :
Tiffany Thomas, et. al. :
Application No. 11/606,676 : DECISION ON PETITIONS
Filed: November 30, 2006 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 24230/3-4 :

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed November 26, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§120, 365(c) and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120, 365(c) 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, 365(c) 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, 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 1656 for consideration by the examiner of the claim under 35 U.S.C. §§120, 365(c) and 119(e) of the prior-filed nonprovisional and provisional applications.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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
11/606,676	11/30/2006	1656	920	24230/3-4	22	2

CONFIRMATION NO. 7674

CORRECTED FILING RECEIPT

John C. Serio
Brown Rusnick Berlack Israels, LLP
One Financial Center, Box IP
Boston, MA 02111

Date Mailed: 01/26/2009

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)

Tiffany Thomas, Phoenix, AZ;
Michael Tempesta, El Granada, CA;

Power of Attorney: The patent practitioners associated with Customer Number 21710

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/741,774 12/02/2005
and is a CIP of PCT/US05/13375 04/20/2005
which claims benefit of 60/565,011 04/23/2004
This application 11/606,676
is a CIP of PCT/US06/15302 04/20/2006
which claims benefit of 60/719,025 09/21/2005

Foreign Applications

If Required, Foreign Filing License Granted: 02/13/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/606,676**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Composition and use of phyto-percolate for treatment of disease

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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OFFICE OF PETITIONS

YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

In re Application of
Scott B. Ware, et al.
Application No. 11/606,717
Filed: November 29, 2006
Attorney Docket No. 324212015700

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 23, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Yahoo C/O MOFO Palo Alto has been revoked by the assignee of the patent application on April 16, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to 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: YAHOO! INC
701 FIRST AVENUE
SUNNYVALE, CA 94089

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

Mail Date: 05/03/2010

Applicant	: Susan M. Coatney	: DECISION ON REQUEST FOR
Patent Number	: 7613947	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/606,727	: 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.

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BARRY W. CHAPIN, ESQ.
CHAPIN INTELLECTUAL PROPERTY LAW, LLC
WESTBOROUGH OFFICE PARK
1700 WEST PARK DRIVE
WESTBOROUGH MA 01581

In re Application of :
FEDOROVA, Alexandria :
Application No. 11/606,736 : DECISION ON PETITION
Filed: November 30, 2006 : TO WITHDRAW
Attorney Docket No. **SUN06-25(060647)** : FROM RECORD
:

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 11, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, Transfer of representation by Asignee/Owner, does not meet any of the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary

evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **GLOBAL PATENT GROUP**
ATTN: MS LAVERN HALL
10411 CLAYTON ROAD, SUITE 304
FRONTENAC, MO 63131

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TESSERA
LERNER DAVID et al.
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

Mail Date: 04/21/2010

Applicant	: Teck-Gyu Kang	: DECISION ON REQUEST FOR
Patent Number	: 7659617	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/606,771	: 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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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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APR 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Albert Henry Bow :
Application Number: 11/606778 :
Filing Date: 11/30/2006 :
Attorney Docket Number: :
DAVI300.001CP1 :

ON PETITION

This is a decision on the "PETITION TO WITHDRAW ABANDONMENT AND RE-SEND NOTICE," filed on February 29, 2008, which is treated as a petition under 37 CFR 1.181.

This application became abandoned on February 28, 2007, for failure to timely submit a reply to the Notice to File Missing Parts of Nonprovisional Application mailed on December 27, 2006, which set a two (2) month shortened period for reply. The filing of the present petition precedes the mailing of Notice of Abandonment.

In the present petition, petitioners request that the Office withdraw the holding of abandonment due to non-receipt of the Notice to File Missing Parts of Nonprovisional Application mailed on December 27, 2006. Petitioner asserts that the Notice to File Missing Parts of Nonprovisional Application mailed on December 27, 2006 was mailed to an incorrect address because petitioners inadvertently included an incorrect Customer Number on the Application Data Sheet (ADS) filed on November 30, 2006. Petitioners state that the correct Customer Number was included in the Supplemental ADS filed on January 29, 2009.

A review of the record indicates no irregularity in the mailing of the Notice to File Missing Parts of Nonprovisional Application mailed on December 27, 2006, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice to File Missing Parts of Nonprovisional Application mailed on December 27, 2006 was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice to File Missing Parts of Nonprovisional Application mailed

on December 27, 2006 was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner, stating that the practitioner did not receive the Office communication and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.[1] For example, if a three-month period for reply was set in the non-received Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Notice to File Missing Parts of Nonprovisional Application mailed on December 27, 2006 (e.g., if the practitioner has a history of not receiving Office actions).

The showing of record is that the Notice to File Missing Parts of Nonprovisional Application mailed on December 27, 2006 was mailed to the address associated with Customer Number 20955 (*sic*), which was provided on the ADS filed on November 30, 2006. Petitioners now state that the Customer Number petitioners provided was incorrect. The correct Customer Number is 20995.

As such, the showing of record is that the Notice to File Missing Parts of Nonprovisional Application mailed on December 27, 2006 was not received by petitioner because an incorrect address was specified. To wit, petitioner's provided an incorrect Customer Number, and the Office mailed the Notice to File Missing Parts of Nonprovisional Application to the address associated with that Customer Number.

The showing of record leads to a conclusion that the failure to receive the Notice to File Missing Parts of Nonprovisional Application mailed on December 27, 2006 was due to an error on the part of petitioner rather than the USPTO. Failure to provide the correct correspondence address (or Customer Number) is an avoidable mistake. Withdrawal of the holding of abandonment is

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[1] M.P.E.P. § 711.03(c); See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

not appropriate in situations where the abandonment resulted from a mistake on the part of the petitioner.

Accordingly, the showing of record is insufficient to warrant withdrawal of the holding of abandonment.

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. **This time period is not extendable.**[2]

ALTERNATIVE VENUE

Petitioner may wish to consider filing a petition under 37 CFR 1.137(b), which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after 8 June, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly.

---

[2] 37 CFR 1.181(f).

A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

A copy of the Notice to File Missing Parts of Nonprovisional Application mailed on December 27, 2006, has been enclosed for petitioners' reference in preparing the required reply.

A copy of the form for filing a petition under 37 CFR 1.137(b) to revive an application unintentionally abandoned is enclosed herewith for petitioner's convenience.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Encl:

Notice mailed December 27, 2006
PTO/SB/64

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	ATTORNEY DOCKET NUMBER
11/606,778	11/30/2006	Albert Henry Bow	DAVI300.001CP1

CONFIRMATION NO. 6767

FORMALITIES LETTER

20955
MARLIN J MESSICK
1553 FOREST AVENUE
SARALAND, AL 36571

Date Mailed: 12/27/2006

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
  Applicant must submit $ **150** *to complete the basic filing fee for a small entity.*
- The oath or declaration is missing. *A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
  Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

• To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of $65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$565** for a small entity

- **$150** Statutory basic filing fee.
- **$65** Surcharge.

- The application search fee has not been paid. Applicant must submit **$250** to complete the search fee.

- The application examination fee has not been paid. Applicant must submit **$100** to complete the examination fee for a small entity in compliance with 37 CFR 1.27.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382
PART 3 - OFFICE COPY

PTO/SB/64 (01-08)
Approved for use through 04/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ Signature

_____ Date

_____ Typed or printed name

_____ Registration Number, if applicable

_____ Address

_____ Telephone Number

_____ Address

Enclosures:
☐ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ Date

_____ Signature

_____ Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

COPY MAILED

MAY 22 2008

OFFICE OF PETITIONS

In re Application of :
Albert Henry Bow :
Application Number: 11/606778 : ON PETITION
Filing Date: 11/30/2006 :
Attorney Docket Number: :
DAVI300.001CP1 :

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on April 17, 2008.

The petition is **granted**.

This application became abandoned on February 28, 2007, for failure to timely submit a reply to the Notice to File Missing Parts of Nonprovisional Application mailed on December 27, 2006, which set a two (2) month shortened period for reply. The filing of the present petition precedes the mailing of Notice of Abandonment. The petition to withdraw the holding of abandonment filed on February 29, 2008, was dismissed on April 4, 2008.

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Receipt of the declaration and filing fees and surcharge submitted with the present petition is acknowledged.

The application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

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

LEE & HAYES, PLLC
601 W RIVERSIDE
SUITE 1400
SPOKANE WA 99201

MAILED

MAR 2 4 2009

OFFICE OF PETITIONS

In re Application of :
Cohen et al. :
Application No. 11/606,779 : ON PETITION
Filed: November 30,2006 :
Attorney Docket No. QQ1-0079US :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 12, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Response to the Notice to File Missing Parts (previously filed on March 21, 2007 and April 6, 2007), (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further processing. Thereafter, the application will be referred to Technology Center AU 3621 for examination on the merits.

Liana Walsh
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

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

Mail Date: 04/21/2010

Applicant	: Wolfgang Stephan	: DECISION ON REQUEST FOR
Patent Number	: 7634468	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/606,804	: 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 **233** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAY 25 2010

OFFICE OF PETITIONS

YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

In re Application of
Michael Galloway, et al.
Application No. 11/606,825
Filed: November 29, 2006
Attorney Docket No. 324212015400

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 23, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Yahoo C/O MOFO Palo Alto has been revoked by the assignee of the patent application on April 16, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to 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: YAHOO! INC
701 FIRST AVENUE
SUNNYVALE, CA 94089

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

HULSEY IP INTELLECTUAL PROPERTY LAWYERS, P.C.
919 Congress Avenue, Suite 919
AUSTIN, TX 78701

Mail Date: 04/21/2010

Applicant	: James A. Andrews	: DECISION ON REQUEST FOR
Patent Number	: 7642664	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/606,849	: 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 **598** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/606,855	11/29/2006	2616	2400	874.0138.U1(US)	7	36	6

CONFIRMATION NO. 7699

29683
HARRINGTON & SMITH, PC
4 RESEARCH DRIVE
SHELTON, CT 06484-6212

CORRECTED FILING RECEIPT

OC000000022091953

Date Mailed: 01/22/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Jukka Ranta, Residence Not Provided;
Tsuyoshi Kashima, Residence Not Provided;
Esa Malkamaki, Residence Not Provided;
Jussi Kahtava, Residence Not Provided;
Kimmo Kettunen, Residence Not Provided;
Vinh Van Phan, Residence Not Provided;

Assignment For Published Patent Application

Nokia Corporation

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/741,143 11/30/2005

Foreign Applications

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Apparatus, method and computer program product providing retransmission utilizing multiple ARQ mechanisms

Preliminary Class

370

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TRELLIS INTELLECTUAL PROPERTY LAW GROUP PC
1900 EMBARCADERO ROAD, SUITE 109
PALO ALTO, CA 94303

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AUG 0 7 2007

OFFICE OF PETITIONS

In re Application of	:	
Uzi Vishkin	:	
Application No. 11/606,860	:	DECISION GRANTING
Filed: November 29, 2006	:	PETITION
Attorney Docket No. 100141-000100US	:	

This is a decision on the petition under 37 CFR 1.53(d), filed March 12, 2007, which is being treated as a petition under 37 CFR 1.10(d) requesting that the above-identified application be accorded a filing date of November 29, 2006, rather than the presently accorded date of November 28, 2006.

The petition is **GRANTED**.

Under 37 CFR 1.10(d), any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS.

The showing under 37 CFR 1.10(d) must be corroborated by (1) evidence from the USPS, or (2) evidence that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail." Evidence from the USPS may be the "Express Mail" Corporate Account Mailing Statement. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail. Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. Conversely, evidence created prior to the deposit of the correspondence as "Express Mail" with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail") cannot be accepted under the terms of the rule.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on November 29, 2006, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by: a copy of Express Mail label No. EV843551002US (the same number which appears on the original application papers) and a Customer Copy of the sales receipt from Macys (Station 57), San Francisco, California, which shows a sales date of November 29, 2006 for the Express Mail package at issue. Petitioner alleges that the "date-in" of November 28, 2006 on the Express Mail label is a USPS error.

A grantable petition under 37 CFR 1.10(d) must include:

> (1) The filing of a petition promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The placement of the "Express Mail" number on the mailing label of the paper(s) or fee(s) that constitutes the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) A showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The evidence is convincing that the application was deposited in Express Mail service on November 29, 2006. Accordingly, the instant application is entitled to a filing date of November 29 2006, and has been so accorded. A Corrected Filing Receipt has been mailed under separate cover.

The present petition does not require a fee. Accordingly, the $400 fee assessed to the petition will be credited to petitioner's deposit account.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3218.

This application is currently before Technology Center AU 2189 for examination in due course.

Frances Hicks
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09-26-09

TO SPE OF : ART UNIT 1626

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/606883 Patent No.: 7547724

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Angela Green
Certificates of Correction Branch
703-756-1541

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

SPE 1624 Art Unit

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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.
11/607,021	12/01/2006	Kiyoshi Kato	0756-7899	8458

31780 7590 04/28/2009

ERIC ROBINSON
PMB 955
21010 SOUTHBANK ST.
POTOMAC FALLS, VA 20165

EXAMINER	
GRAYBILL, DAVID E	

ART UNIT	PAPER NUMBER
2894	

MAIL DATE	DELIVERY MODE
04/28/2009	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
WASHINGTON, D.C. 20231
www.uspto.gov

Eric J. Robinson.
Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, VA 20165

In re Application of:	:	
Kiyoshi Kato et al.	:	DECISION ON PETITION
Serial No.: 11/607021	:	FOR USE OF COLOR DRAWINGS UNDER 37
Filed: 01 December 2006	:	C.F.R 1.84(a)(2)
Attorney Docket No.: **0756-7899**	:	

This is a decision in response to the petition under 37 C.F.R. 1.84(a)(2) filed 14 May 2008. The petition fee has been paid.

The petition is **GRANTED**.

The Petition sets forth an explanation regarding why the color drawings are necessary, the required fee, the required paragraph is provided in the specification, and include three sets of color drawings.

Accordingly, the color drawings are accepted as formal drawings in the above-referenced application.

Kim Nguyen

Kimberly D. Nguyen, Supervisor
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

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SEP 0 6 2007

OFFICE OF PETITIONS

In re Application of
Kazuyuki Nakata, et al
Application No. 11/607,060
Filed: December 1, 2006
Attorney Docket No. 1000023-000120

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, April 26, 2007, to change the name of inventor "Norihiko Takeda" to – Norihiko Sato --.

The petition is **GRANTED**.

The petition satisfies the requirements of MPEP Section 605.04(c). Accordingly, Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the subject inventor's change of name, will be mailed in due course by the Office of Initial Patent Examination.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.

Upon completion of the pre-examination processing, this application will be referred to Technology Center AU 1714 for examination in due course.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/607,060	12/01/2006	Kazuyuki Nakata	1000023-000120	8346

7590 03/30/2009

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER	
NUTTER, NATHAN M	

ART UNIT	PAPER NUMBER
1796	

NOTIFICATION DATE	DELIVERY MODE
03/30/2009	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: 03/27/2009 BPOWELL
12/04/2006 EAYALEW1 00000025 11607060
02 FC:1111 -500.00 OP
04 FC:1201 -1200.00 OP
05 FC:1202 -950.00 OP

Adjustment date: 03/27/2009 BPOWELL
12/04/2006 EAYALEW1 00000025 11607060
02 FC:1111 -500.00 OP
04 FC:1201 -1200.00 OP
05 FC:1202 -950.00 OP

Refund Ref:
03/27/2009 0030068176

Credit Card Refund Total: $2650.00

Am Exp..: XXXXXXXXXX1006

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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

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AUG 20 2007

OFFICE OF PETITIONS

In re Application of
Ham V. Lam, et al.
Application No. 11/607,070
Filed: December 1, 2006
Attorney Docket No. 070702005100

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed April 2, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on July 2, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: RAJ S. DAVE', PHD
DARBY & DARBY, PC
1500 K STREET, NW
SUITE 250
WASHINGTON, DC 20005-1714

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
11/607,070	12/01/2006	Hue V. Lam	070702005100

CONFIRMATION NO. 8076

OC000000025448252

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

Date Mailed: 08/17/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/02/2007.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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JONES DAY
222 EAST 41ST STREET
NEW YORK NY 10017-6702

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MAR 30 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Sergei Kolomeitsev et al. :
Application No. 11/607,076 :
Filed: November 29, 2006 :
Attorney Docket No. 146962-999025 :

This is a decision on the "Petition For Correction of Filing Date and Filing Receipt", filed February 26, 2007 to correct the filing date to November 29, 2006, rather than the presently accorded filing date of November 30, 2006 which is treated as a petition under 37 CFR 1.10 (c).

Petitioner alleges that the application was deposited in Express Mail service on November 29, 2006. In support, petitioner supplies a copy of Express Mail Label No. EV456934234US (the same Express Mail number found on the transmittal sheet accompanying the original application papers located in the official file). The "date-in" on the Express Mail Label is November 29, 2006. Additionally, the express mail label bears a USPS postmark of November 29, 2006.

In view of the above, the petition is **GRANTED** and since no fee is due, none will be charged to petitioner's deposit account.

The application is being forwarded to the Office of Initial Patent Examination for correction of the **filing date to November 29, 2006** and for issuance of a corrected filing receipt.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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THOMAS J. PERKOWSKI, ESQ., P.C.
SOUNDVIEW PLAZA
1266 EAST MAIN STREET
STAMFORD CT 06902

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OFFICE OF PETITIONS

In re Application of
Xiaoxun Zhu et al
Application No. 11/607,113
Filed: November 30, 2006
Attorney Docket No. 108-192USN60

: DECISION DISMISSING PETITION
: UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 9, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Unfortunately, the petition was not referred to the appropriate deciding official for decision until after the issuance of this application into a patent. However, petitioner's attention is directed to 37 CFR 1.313(d), which states:

> A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**. (Emphasis added)

In this case, the petition was not received in the Office of Petitions for consideration until January 7, 2009. Therefore, as the case has now issued, the petition to withdraw from issue cannot be granted.

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of this application into a patent and will not be processed. Accordingly, the $810.00 RCE filing fee and the $130.00 petition fee submitted are unnecessary and will be refunded in due course.

The Information Disclosure Statement has been made of record in the file of the above-identified application without further consideration. *See* 37 CFR 1.97(i).

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions

OIPE
APR 24 2009
PATENT & TRADEMARK OFFICE

cofc

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:

U.S. Letters Patent	:	7,407,109 B2
Issued	:	August 5, 2008
Applicants	:	Xiaoxun Zhu, et al.
Application Serial No.	:	11/607,113
Filing Date	:	November 30, 2006
Title	:	DIGITAL-IMAGING BASED CODE SYMBOL READING SYSTEM EMPLOYING A MICRO-COMPUTING PLATFORM SUPPORTING AN EVENT-DRIVEN MULTI-TIER MODULAR SOFTWARE ARCHITECTURE
Attorney Docket No.	:	108-192USAN60

Certificate

APR 27 2009

of Correction

Honorable Commissioner
of Patents and Trademarks
Washington, D.C. 20231

PETITION FOR CERTIFICATE OF CORRECTION

Sir:

Attorney of Record for the above-referenced U.S. Letters Patent submits herewith a Certificate of Correction for filing in the same, whereby it is certified that the Claims to Invention printed in US Patent are incorrect.

The Claims to Invention were amended in a Response to Office Action filed November 28, 2007. A copy of the Response and Return Postcard date-stamped by the USPTO on November 30, 2007 in receipt of the same, are attached hereto and marked Exhibit A.

Applicants further amended the Claims in an Amendment Under Rule 312 filed prior to payment of the issue fee on June 3, 2008. Copies of the Amendment and Return Postcard date-stamped by the USPTO on June 6, 2008 in receipt of the same, are attached hereto and marked Exhibit B.

Attached please find USPTO Form PTO/SB/44, which lists the Claims as they should have been printed in the US Letters Patent, after the amendments of both the Response to Office Action and Amendment Under Rule 312.

Certificate
APR 27 2009
of Correction

Please forward the Certificate of Correction to the correspondence address of record at:

Honeywell International, Inc.
Patent Services Group AB2
101 Columbia Road
P.O. Box 2245
Morristown, NJ 07962

Applicants believe that the error has occurred on the part of the USPTO, and that no fees are due at this time. However, if deemed necessary, the Commissioner is authorized to charge any deficiencies or overpayments to Deposit Account 16-1340.

Respectfully submitted,

Dated: April 21, 2009

Thomas J. Perkowski, Esq.
Reg. No. 33,134
Attorney for Assignee of Record
Thomas J. Perkowski, Esq., PC
Soundview Plaza
1266 East Main Street
Stamford, Connecticut 06902
203-357-1950
http://www.tjpatlaw.com

CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service on April 21, 2009 in a Postage Prepaid envelope as, First Class Mail, addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Thomas J. Perkowski, Esq.
Reg. No. 33,134
Date: April 21, 2009

APR 27 2009

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,407,109 B2

APPLICATION NO.: 11/607,113

ISSUE DATE : August 5, 2008

INVENTOR(S) : Xiaoxun Zhu et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

The Claims to Invention should read as set forth on the attached document.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Thomas J. Perkowski, Esq. PC
1266 East Main Street
Stamford, CT 06902

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

APR 2 7 2009.

Attachment to PTO Form PTO/SB/44

The Invention claimed is:

1. A digital-imaging based code symbol reading system comprising:

a housing having a light transmission window;

an image formation and detection subsystem, disposed in said housing, and having (i) image formation optics for projecting a field of view (FOV) through said light transmission window and upon an object to be imaged in said FOV, and (ii) an area-type image sensing array for detecting sensing imaged light reflected off the object during illumination operations in an image capture mode in which rows of sensor elements in said area-type image sensing array are enabled so as to detect one or more 2D digital images of the object formed on said area-type image sensing array;

an illumination subsystem, disposed in said housing, and having an illumination array for producing and projecting a field of illumination through said light transmission window and within said FOV during the image capture mode;

an illumination control subsystem disposed in said housing, for controlling the operation of said illumination subsystem during said image capture mode;

an image capturing and buffering subsystem disposed in said housing, for capturing and buffering said one or more 2D digital images detected by said image formation and detection subsystem;

a digital image processing subsystem disposed in said housing, for processing said one or more 2D digital images captured and buffered by said image capturing and buffering subsystem, so as to read one or more 1D and/or 2D code symbols graphically represented therein, and producing symbol character data representative of said read one or more 1D and/or 2D code symbols;

an input/output subsystem disposed in said housing, for outputting said symbol character data to an external host system or other information receiving or responding device;

a system control subsystem disposed in said housing, for controlling and/or coordinating the operation of the subsystem components described above; and

a micro-computing platform, disposed in said housing, for implementing said digital image processing subsystem, said input/output subsystem and said system control subsystem,

said micro-computing platform including a microprocessor, a memory architecture, and a three-tier modular software architecture characterized by an Operating System (OS) layer, a System CORE (SCORE)

APR 2 7 2008

layer, and an application layer and responsive to the generation of a triggering event within said digital-imaging based code symbol reading system;

wherein said OS layer includes one or more software modules selected from the group consisting of an OS kernel module, an OS file system module, and device driver modules;

wherein said SCORE layer includes one or more of software modules selected from the group consisting of a tasks manager module, an events dispatcher module, an input/output manager module, a user commands manager module, the timer subsystem module, an input/output subsystem module and a memory control subsystem module;

wherein said application layer includes one or more software modules selected from the group consisting of a code symbol decoding module, a function programming module, an application events manager module, a user commands table module, and a command handler module.

2. In the digital-imaging based code symbol reading system of claim 1, a method of operation comprising the steps of:

(a) prior to reading one or more code symbols on an object, said microprocessor rapidly initializing said micro-computing platform by performing the following operations:

(1) accessing one or more software modules from said OS layer and executing code contained therein;

(2) accessing one or more software modules from said SCORE layer and executing code contained therein; and

(3) accessing one or more software modules from said application layer and executing code contained therein.

3. The method of claim 2, wherein, after said micro-computing platform has been initiated, and in response to the generation of said triggering event, said method further comprises~~;~~ :

(4) said illumination subsystem automatically produces said field of illumination which illuminates the object within said FOV;

(5) said area-type image sensing array automatically detects said one or more 2D digital images of the illuminated object while said object is being illuminated by said field of illumination;

(6) said image capturing and buffering subsystem automatically captures and buffers the detected one or more 2D digital images of the object;

(7) said digital image processing subsystem automatically processes one or more captured and buffered 2D digital images, so as to read one or more 1D and/or 2D code symbol graphically represented therein, and producing symbol character data representative of said read one or more 1D and/or 2D code symbols, and

APR 2 7 2009

(8) said input/output subsystem outputs said symbol character data to said external host system or other information receiving or responding device.

4. The digital-imaging based code symbol reading system of claim 1, wherein said field of illumination comprises narrow-band illumination produced from an array of light emitting diodes (LEDs).

5. The digital-imaging based code symbol reading system of claim 1, which further comprises an automatic object detection subsystem disposed in said housing, for automatically detecting the presence of the object in said FOV, and in response thereto, generating a trigger signal indicative of said triggering event.

6. The digital-imaging based code symbol reading system of claim 1, wherein said housing has a trigger switch integrated with said housing, and wherein said trigger switch is manually actuatable by an operator of said digital image capturing and processing system so as to generate a trigger signal indicating said triggering event.

7. The digital-imaging based code symbol reading system of claim 6, wherein said housing is a hand-supportable housing.

8. The digital-imaging based code symbol reading system of claim 1, which further comprises an automatic object detection subsystem disposed in said housing, for automatically detecting the presence of the object in said FOV, and in response thereto, generating a trigger signal indicating said triggering event; and wherein said housing is a hand-supportable housing and adapted for support on a counter-top surface and operation in a hands-free presentation mode of operation.

9. The digital-imaging based code symbol reading system of claim 1, wherein said area-type image sensing array comprises a CMOS image sensing array.

10. The digital-imaging based code symbol reading system of claim 1, wherein said object bears a code symbol, and said image-processing subsystem processes said 2D digital images so as to read one or more 1D and/or 2D code symbols and producing symbol character data representative of said read code symbols.

11. The digital-imaging based code symbol reading system of claim 1, wherein said code symbol is a bar code symbol selected from the group consisting of a 1D bar code symbol, a 2D bar code symbol and a data matrix type code symbol structure.

APR 2 7 2009

12. The digital-imaging based code symbol reading system of claim 1, wherein said housing is a hand-supportable housing.

13. The method of claim 3, wherein upon the generation of said triggering event, said method further comprises:

said device driver module in said OS layer automatically detecting said triggering event;

said events dispatcher module in said SCORE layer dispatching said triggering event; and

said events manager module in said application layer managing said trigger event; and

said tasks manager module in said SCORE layer executing a main task.

14. The method of claim 13, which further comprises:

said main task coordinating said subsystems and managing the following sequence of events:

(i) illuminating said FOV;

(ii) capturing said at least one 2D digital image of the object in said FOV;

(iii) processing ~~of~~ said at least one 2D digital image so as to read a code symbol represented in said processed at least one 2D digital image;

(iv) upon successfully reading a code symbol graphically represented in said processed at least one 2D digital image, then sending symbol character data representative of said read code symbol, to said said external host system or other information receiving or responding device; and

(vi) then exiting said main task.

15. The method of claim 13, wherein upon successful reading of one or more said 1D and/or 2D code symbols, and prior to executing said data output procedure, said main task analyzes the symbol character data for a programming command or a sequence of commands; and if said command or sequence of commands are detected, then said main task executes a system programming task for configuring system parameters in said digital-imaging based code symbol reading system.

16. The digital-imaging based code symbol reading system of claim 1, wherein said input/output subsystem automatically outputs said symbol character data to said external host system or other information receiving or responding device.

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Exhibit A

OIPE IAP70
NOV 30 2007
PATENT & TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

The date stamp of the U.S. Patent and Trademark Office is official acknowledgment of their receipt of the following documents:

Response to Office Action; and Certificate of First Class Mail under 37 C.F.R. 1.10 dated November 28, 2007.

Applicants: Xiaoxun Zhu et al.
USSN# 11/607,113
Filed: November 30, 2006
Title: DIGITAL-IMAGING BASED CODE SYMBOL READING SYSTEM EMPLOYING A MICRO-COMPUTING PLATFORM SUPPORTING AN EVENT-DRIVEN MULTI-TIER MODULAR SOFTWARE ARCHITECTURE
Attorney Docket: 108-192USAN60
Firm Thomas J. Perkowski, Esq., P.C.
Date Mailed: November 28, 2007

THOMAS J. PERKOWSKI ESQ. P.C.
RECEIVED
DEC 03 2007

APR 27 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Applicants	:	Xiaoxun Zhu, et al.
Application Serial No.:		11/607,113
Filing Date	:	November 30, 2006
Title	:	DIGITAL-IMAGING BASED CODE SYMBOL READING SYSTEM EMPLOYING A MICRO-COMPUTING PLATFORM SUPPORTING AN EVENT-DRIVEN MULTI-TIER MODULAR SOFTWARE ARCHITECTURE
Examiner	:	Ahshik Kim
Group Art Unit	:	2876
Attorney Docket No.	:	108-192USAN60

Honorable Commissioner
of Patents and Trademarks
Washington, D.C. 20231

RESPONSE TO OFFICE ACTION

Sir:

In response to the Office Action mailed August 30, 2007, Applicants submit the following Amendments in response thereto:

APR 2 7 2008

AMENDMENT TO THE CLAIMS:

Please amend claims 2, 3 and 13-15 as follows:

Claim 1 (previously presented): A digital-imaging based code symbol reading system comprising:

a housing having a light transmission window;

an image formation and detection subsystem, disposed in said housing, and having (i) image formation optics for projecting a field of view (FOV) through said light transmission window and upon an object to be imaged in said FOV, and (ii) an area-type image sensing array for detecting sensing imaged light reflected off the object during illumination operations in an image capture mode in which rows of sensor elements in said area-type image sensing array are enabled so as to detect one or more 2D digital images of the object formed on said area-type image sensing array;

an illumination subsystem, disposed in said housing, and having an illumination array for producing and projecting a field of illumination through said light transmission window and within said FOV during the image capture mode;

an illumination control subsystem disposed in said housing, for controlling the operation of said illumination subsystem during said image capture mode;

an image capturing and buffering subsystem disposed in said housing, for capturing and buffering said one or more 2D digital images detected by said image formation and detection subsystem;

a digital image processing subsystem disposed in said housing, for processing said one or more 2D digital images captured and buffered by said image capturing and buffering subsystem, so as to read one or more 1D and/or 2D code symbols graphically represented therein, and producing symbol character data representative of said read one or more 1D and/or 2D code symbols;

an input/output subsystem disposed in said housing, for outputting said symbol character data to an external host system or other information receiving or responding device;

a system control subsystem disposed in said housing, for controlling and/or coordinating the operation of the subsystem components described above; and

APR 2 7 2009

a micro-computing platform, disposed in said housing, for implementing said digital image processing subsystem, said input/output subsystem and said system control subsystem,

said micro-computing platform including a microprocessor, a memory architecture, and a three-tier modular software architecture characterized by an Operating System (OS) layer, a System CORE (SCORE) layer, and an application layer and responsive to the generation of a triggering event within said digital-imaging based code symbol reading system;

wherein said OS layer includes one or more software modules selected from the group consisting of an OS kernel module, an OS file system module, and device driver modules;

wherein said SCORE layer includes one or more of software modules selected from the group consisting of a tasks manager module, an events dispatcher module, an input/output manager module, a user commands manager module, the timer subsystem module, an input/output subsystem module and an memory control subsystem module;

wherein said application layer includes one or more software modules selected from the group consisting of a code symbol decoding module, a function programming module, an application events manager module, a user commands table module, and a command handler module.

Claim 2 (currently amended): ~~The~~ In the digital-imaging based code symbol reading system of claim 1, ~~wherein,~~ a method of operation comprising the steps of:

(a) prior to reading one or more code symbols on an object, said microprocessor rapidly ~~initializes~~ initializing said micro-computing platform by performing the following operations:

(1) accessing one or more software modules from said OS layer and executing code contained therein;

(2) accessing one or more software modules from said SCORE layer and executing code contained therein; and

(3) accessing one or more software modules from said application layer and executing code contained therein.

Claim 3 (currently amended): The ~~digital-imaging based code symbol reading system of~~ method of claim 2, wherein, after said computing platform has been initiated, and in response to the generation of said triggering event, said method further comprises;

APR 2 7 2006

(4) said illumination subsystem automatically produces said field of illumination which illuminates the object within said FOV;

(5) said area-type image sensing array automatically detects said one or more 2D digital images of the illuminated object while said object is being illuminated by said field of illumination;

(6) said image capturing and buffering subsystem automatically captures and buffers the detected one or more 2D digital images of the object;

(7) said image-processing subsystem automatically processes the captured and buffered 2D digital image, so as to so as to read one or more 1D and/or 2D code symbol graphically represented therein, and producing symbol character data representative of said read one or more 1D and/or 2D code symbols, and

(8) said input/output subsystem outputs said symbol character data to said external host system or other information receiving or responding device.

Claim 4 (previously presented): The digital-imaging based code symbol reading system of claim 1, wherein said field illumination comprises narrow-band illumination produced from an array of light emitting diodes (LEDs).

Claim 5 (previously presented): The digital-imaging based code symbol reading system of claim 1, which further comprises an automatic object detection subsystem disposed in said housing, for automatically detecting the presence of the object in said FOV, and in response thereto, generating a trigger signal indicative of said triggering event.

Claim 6 (previously presented): The digital-imaging based code symbol reading system of claim 1, wherein said housing has a trigger switch integrated with said housing, and wherein said trigger switch is manually actuatable by an operator of said digital image capturing and processing system so as to generate a trigger signal indicating said triggering event.

Claim 7 (previously presented): The digital-imaging based code symbol reading system of claim 6, wherein said housing is a hand-supportable housing.

APR 2 7 2008

APR 2 7 2008

Claim 8 (previously presented): The digital-imaging based code symbol reading system of claim 1, which further comprises an automatic object detection subsystem disposed in said housing, for automatically detecting the presence of the object in said FOV, and in response thereto, generating a trigger signal indicating said triggering event; and wherein said housing is a hand-supportable housing and adapted for support on a counter-top surface and operation in a hands-free presentation mode of operation.

Claim 9 (previously presented): The digital-imaging based code symbol reading system of claim 1, wherein said area-type image sensing array comprises a CMOS image sensing array.

Claim 10 (previously presented): The digital-imaging based code symbol reading system of claim 1, wherein said object bears a code symbol, and said image-processing subsystem processes said digital images so as to read the code symbol and producing symbol character data representative of said read code symbol.

Claim 11 (previously presented): The digital-imaging based code symbol reading system of claim 1, wherein said code symbol is a bar code symbol selected from the group consisting of a 1D bar code symbol, a 2D bar code symbol and a data matrix type code symbol structure.

Claim 12 (previously presented): The digital-imaging based code symbol reading system of claim 1, wherein said housing is a hand-supportable housing.

Claim 13 (currently amended): The ~~digital-imaging based code symbol reading system~~ method of claim ~~11~~ 3, wherein upon the generation of said triggering event, said method further comprises:

said device driver module in said OS layer automatically detecting said triggering event ~~is automatically received by said device driver module in said OS layer, wherein;~~

said events dispatcher module in said SCORE layer dispatching said triggering event ~~is then dispatched by said events dispatcher module in said SCORE layer,~~; and ~~then~~

said events manager module in said application layer managing said trigger event ~~is managed by said events manager module in said application layer, which ultimately~~;

APR 27 2009

AMENDMENT OF THE ABSTRACT:

Please amend the Abstract of Disclosure as follows:

ABSTRACT OF DISCLOSURE

Digital-imaging based code symbol reading system employing a micro-computing platform supporting an event-driven multi-tier modular software ~~architecture .the~~ architecture. The system ~~comprises~~ includes: an image formation and detection subsystem; an illumination subsystem; an illumination control subsystem; an image processing subsystem; an input/output subsystem; and a system control ~~subsystem. the~~ subsystem. The image formation and detection subsystem has an area-type image sensing array for detecting digital images of objects formed thereon by image formation optics providing a field of view (FOV) for the ~~system. within~~ system. Within the FOV of the image formation and detection subsystem, the illumination subsystem produces a field of illumination that illuminates the object during the image capture mode of operation, and one or more ~~2d~~ 2D digital images thereof are detected by an area-type image sensing ~~array. a~~ array. A micro-computing platform is provided for implementing the digital image processing subsystem, the input/output subsystem and the system control ~~subsystem. the~~ subsystem. The micro-computing platform includes a microprocessor, a memory architecture, and a three-tier modular software architecture characterized by an operating system layer, a system core layer, and an application layer and responsive to the generation of a triggering event within the digital-imaging based code symbol reading ~~system. triggering~~ system. Triggering events can be generated by an automatic object detector or a manually actuated trigger switch.

APR 2 7 2009

REMARKS

Applicants thank the Patent Office for the careful attention accorded this Application and respectfully requests consideration in view of the Amendment above and remarks set forth below.

In response to the Office Action mailed August 30, 2007, Applicants have amended Claims 2, 3, and 13-15 in order to any basis for rejection under 35 U.S.C. 112, and place these Claims in condition for allowance, along with allowed Claims 1, 4-12, and 16.

Applicants have also amended the Abstract of Disclosure to correct grammatical errors.

Applicants also note that an Information Disclosure Statement (IDS) was filed in the present Application on October 9, 2007, and kindly request that the Examiner consider the prior art cited therein in of the pending Claims to Invention.

Applicants believe that the prior art cited in the submitted IDS does not detract from the present invention defined by the amended Claims to Invention.

In view therefore, of the Amendment and remarks set forth above, the present invention defined by amended Claims 1-16 is firmly believed to be neither anticipated by, nor rendered obvious in view of the prior art of record, and that the present application is now in condition for allowance.

Favorable action is earnestly solicited.

APR 2 7 2008

The Commissioner is hereby authorized to any fee deficiencies to Deposit Account No. 16-1340.

Respectfully submitted,

Dated: November 28, 2007

Thomas J. Perkowski, Esq.
Attorney for Applicants
Reg. No. 33,134
Thomas J. Perkowski, Esq., P.C.
Soundview Plaza
1266 East Main Street
Stamford, Connecticut 06902
203-357-1950
http://www.tjpatlaw.com

CERTIFICATE OF MAILING UNDER
37 C.F.R. 1.08

I hereby certify that this correspondence is being deposited with the United States Postal Service on November 28, 2007, in a Postage Prepaid envelope as, First Class Mail, addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Thomas J. Perkowski, Esq.
Reg. No. 33,134
Date: November 28, 2007

APR 2 7 2008

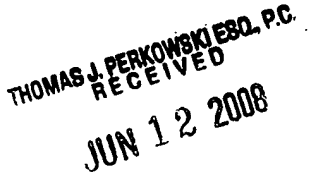
Exhibit B

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

The date stamp of the U.S. Patent and Trademark Office is official acknowledgment of their receipt of the following documents:

Amendment Under Rule 312; and Certificate of First Class Mailing under C.F.R. 1.08 dated June 3, 2008.

Applicants: Xiaoxun Zhu et al.
USSN# 11/607,113
Filed: November 30, 2006
Title: DIGITAL-IMAGING BASED CODE SYMBOL READING SYSTEM EMPLOYING A MICRO-COMPUTING PLATFORM SUPPORTING AN EVENT-DRIVEN MULTI-TIER MODULAR SOFTWARE ARCHITECTURE
Attorney Docket: 108-192USAN60
Attorney: Thomas J Perkowski, Esq.
Date Mailed: June 3, 2008



APR 2 7 2009

APR 2 4 2009
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Applicants	:	Xiaoxun Zhu, et al.
Application Serial No.:		11/607,113
Filing Date	:	November 30, 2006
Title	:	DIGITAL-IMAGING BASED CODE SYMBOL READING SYSTEM EMPLOYING A MICRO-COMPUTING PLATFORM SUPPORTING AN EVENT-DRIVEN MULTI-TIER MODULAR SOFTWARE ARCHITECTURE
Examiner	:	Ahshik Kim
Group Art Unit	:	2876
Attorney Docket No.	:	108-192USAN60

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

AMENDMENT UNDER RULE 312(a)

SIR:

Prior to payment of the Issue Fee in the present Application, please amend the same as follows:

APR 2 7 2009

AMENDMENT OF THE SPECIFICATION:

Please amend the Related Cases information as follows:

RELATED CASES

This Application is a Continuation of U.S. Application No. 10/893,800 filed July 16, 2004, now U.S. Patent 7,273,180 B2; which is a Continuation of U.S. Application 10/712,787 filed November 13, 2003, now U.S. Patent No. 7,128,266 B2; each said Application being assigned to Metrologic Instruments, Inc. and incorporated herewith.

APR 2 7 2009

AMENDMENT OF THE CLAIMS:

Please amend claims 1, 3-4, 10, and 14-15 as follows:

Claim 1 (currently amended): A digital-imaging based code symbol reading system comprising:

a housing having a light transmission window;

an image formation and detection subsystem, disposed in said housing, and having (i) image formation optics for projecting a field of view (FOV) through said light transmission window and upon an object to be imaged in said FOV, and (ii) an area-type image sensing array for detecting sensing imaged light reflected off the object during illumination operations in an image capture mode in which rows of sensor elements in said area-type image sensing array are enabled so as to detect one or more 2D digital images of the object formed on said area-type image sensing array;

an illumination subsystem, disposed in said housing, and having an illumination array for producing and projecting a field of illumination through said light transmission window and within said FOV during the image capture mode;

an illumination control subsystem disposed in said housing, for controlling the operation of said illumination subsystem during said image capture mode;

an image capturing and buffering subsystem disposed in said housing, for capturing and buffering said one or more 2D digital images detected by said image formation and detection subsystem;

a digital image processing subsystem disposed in said housing, for processing said one or more 2D digital images captured and buffered by said image capturing and buffering subsystem, so as to read one or more 1D and/or 2D code symbols graphically represented therein, and producing symbol character data representative of said read one or more 1D and/or 2D code symbols;

an input/output subsystem disposed in said housing, for outputting said symbol character data to an external host system or other information receiving or responding device;

a system control subsystem disposed in said housing, for controlling and/or coordinating the operation of the subsystem components described above; and

APR 2 7 2009

a micro-computing platform, disposed in said housing, for implementing said digital image processing subsystem, said input/output subsystem and said system control subsystem,

said micro-computing platform including a microprocessor, a memory architecture, and a three-tier modular software architecture characterized by an Operating System (OS) layer, a System CORE (SCORE) layer, and an application layer and responsive to the generation of a triggering event within said digital-imaging based code symbol reading system;

wherein said OS layer includes one or more software modules selected from the group consisting of an OS kernel module, an OS file system module, and device driver modules;

wherein said SCORE layer includes one or more of software modules selected from the group consisting of a tasks manager module, an events dispatcher module, an input/output manager module, a user commands manager module, the timer subsystem module, an input/output subsystem module and ~~an~~ a memory control subsystem module;

wherein said application layer includes one or more software modules selected from the group consisting of a code symbol decoding module, a function programming module, an application events manager module, a user commands table module, and a command handler module.

Claim 2 (previously presented): In the digital-imaging based code symbol reading system of claim 1, a method of operation comprising the steps of:

(a) prior to reading one or more code symbols on an object, said microprocessor rapidly initializing said micro-computing platform by performing the following operations:

(1) accessing one or more software modules from said OS layer and executing code contained therein;

(2) accessing one or more software modules from said SCORE layer and executing code contained therein; and

(3) accessing one or more software modules from said application layer and executing code contained therein.

APR 2 7 2009

Claim 3 (currently amended): The method of claim 2, wherein, after said ~~computing~~ micro-computing platform has been initiated, and in response to the generation of said triggering event, said method further comprises~~;~~ :

(4) said illumination subsystem automatically produces said field of illumination which illuminates the object within said FOV;

(5) said area-type image sensing array automatically detects said one or more 2D digital images of the illuminated object while said object is being illuminated by said field of illumination;

(6) said image capturing and buffering subsystem automatically captures and buffers the detected one or more 2D digital images of the object;

(7) said ~~image-processing~~ digital image processing subsystem automatically processes ~~the~~ one or more captured and buffered 2D digital ~~image~~ images, so as to ~~so as to~~ read one or more 1D and/or 2D code symbol graphically represented therein, and producing symbol character data representative of said read one or more 1D and/or 2D code symbols, and

(8) said input/output subsystem outputs said symbol character data to said external host system or other information receiving or responding device.

Claim 4 (currently amended): The digital-imaging based code symbol reading system of claim 1, wherein said field of illumination comprises narrow-band illumination produced from an array of light emitting diodes (LEDs).

Claim 5 (previously presented): The digital-imaging based code symbol reading system of claim 1, which further comprises an automatic object detection subsystem disposed in said housing, for automatically detecting the presence of the object in said FOV, and in response thereto, generating a trigger signal indicative of said triggering event.

Claim 6 (previously presented): The digital-imaging based code symbol reading system of claim 1, wherein said housing has a trigger switch integrated with said housing, and wherein said trigger switch is manually actuatable by an operator of said digital image capturing and processing system so as to generate a trigger signal indicating said triggering event.

APR 2 7 2009

Claim 7 (previously presented): The digital-imaging based code symbol reading system of claim 6, wherein said housing is a hand-supportable housing.

Claim 8 (previously presented): The digital-imaging based code symbol reading system of claim 1, which further comprises an automatic object detection subsystem disposed in said housing, for automatically detecting the presence of the object in said FOV, and in response thereto, generating a trigger signal indicating said triggering event; and wherein said housing is a hand-supportable housing and adapted for support on a counter-top surface and operation in a hands-free presentation mode of operation.

Claim 9 (previously presented): The digital-imaging based code symbol reading system of claim 1, wherein said area-type image sensing array comprises a CMOS image sensing array.

Claim 10 (currently amended): The digital-imaging based code symbol reading system of claim 1, wherein said object bears a code symbol, and said image-processing subsystem processes said 2D digital images so as to read ~~the~~ one or more 1D and/or 2D code ~~symbol~~ symbols and producing symbol character data representative of said read code ~~symbol~~ symbols.

Claim 11 (previously presented): The digital-imaging based code symbol reading system of claim 1, wherein said code symbol is a bar code symbol selected from the group consisting of a 1D bar code symbol, a 2D bar code symbol and a data matrix type code symbol structure.

Claim 12 (previously presented): The digital-imaging based code symbol reading system of claim 1, wherein said housing is a hand-supportable housing.

Claim 13 (previously presented): The method of claim 3, wherein upon the generation of said triggering event, said method further comprises:

said device driver module in said OS layer automatically detecting said triggering event;

said events dispatcher module in said SCORE layer dispatching said triggering event; and

APR 2 7 2009

said events manager module in said application layer managing said trigger event; and

said tasks manager module in said SCORE layer executing a main task.

Claim 14 (previously presented): The method of claim 13, which further comprises:

said main task coordinating said subsystems and managing the following sequence of events:

(i) illuminating said FOV;

(ii) capturing said at least one 2D digital image of the object in said FOV;

(iii) processing ~~of~~ said at least one 2D digital image so as to read a code symbol represented in said processed at least one 2D digital image;

(iv) upon successfully reading a code symbol graphically represented in said processed at least one 2D digital image, then sending symbol character data representative of said read code symbol, to said said external host system or other information receiving or responding device; and

(vi) then exiting said main task.

Claim 15 (currently amended): The method of claim 13, wherein upon successful reading of one or more said 1D and/or 2D code symbols, and prior to executing said data output procedure, said main task analyzes the symbol character data for a programming command or a sequence of commands; and if said command or sequence of commands are detected, then said main task executes a system programming task for configuring system parameters in said ~~digital image capturing and processing~~ digital-imaging based code symbol reading system.

Claim 16 (previously presented): The digital-imaging based code symbol reading system of claim 1, wherein said input/output subsystem automatically outputs said symbol character data to said external host system or other information receiving or responding device.

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REMARKS

The above Amendments to the Claims and Specification have been provided to correct errors of a typographical nature, update Related Cases which have issued as patents and to avoid any basis for rejection under 35 U.S.C. 112, and do not introduce any new subject matter nor affect the scope of the claims.

The Commissioner is hereby authorized to charge any fee deficiencies or credit any overpayments to Deposit Account 16-1340.

Respectfully submitted,

Dated: June 3, 2008

Thomas J. Perkowski, Esq.
Reg. No. 33,134
Attorney for Applicants
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1266 East Main Street
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203-357-1950
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APR 2 7 2008

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APR 24 2009
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CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.08

I hereby certify that this correspondence is being deposited with the United States Postal Service on June 3, 2008 in a Postage Prepaid envelope as, First Class Mail, addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Thomas J. Perkowski, Esq.
Reg. No. 33,134
Date: June 3, 2008

APR 27 2009

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5-5-09 Paper No.: _____

TO SPE OF : ART UNIT 2876

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/607113 Patent No.: 7407109

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced; nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9C62-D
Palm Location 7580

Ennis Young
Certificates of Correction Branch
703-756-1542

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 amendment was entered, but claims were not printed. the correct

SPE

2876
Art Unit

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.
11/607,124	11/30/2006	Shinji Hotta	SONYJP 3.0-1271	7154

7590 09/08/2009

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EXAMINER	
SPINKS, ANTOINETTE T	
ART UNIT	**PAPER NUMBER**
2622	
MAIL DATE	**DELIVERY MODE**
09/08/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 09/08/2009 MFARMER
02728/2007 BABRAHA1 00000032 121095 11607124
02 FC:1111 500.00 CR
05 FC:1202 100.00 CR

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CRYSTAL CITY STATION
ARLINGTON VA 22215-0035

MAILED

MAY 12 2009

OFFICE OF PETITIONS

In re Application of :
Peter David Pasternak :
Application No. 11/607,146 : DECISION ON PETITION
Filed: November 30, 2006 :
Attorney Docket No. 26946.00 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 31, 2009, to revive the above-identified application.

The petition is **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 March 31, 2009, is accepted as having been unintentionally delayed.

The Power of Attorney submitted with the petition has been acknowledged.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3611 for appropriate action by the Examiner in the normal course of business on the reply received March 31, 2009.

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

DREIER LLP
499 PARK AVE
NEW YORK NY 10022

MAIL

MAY 13 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
MOHAMMED, AZMAT
Serial No.: 11/607,147
Filed: November 30, 2006
Attorney Docket Number: 602332-002
Title: **URTONE**

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 03, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; and because the petition was not filed together with the application on or after August 25, 2006. See also MPEP 708.02.

Applicant should note that a petition to make special filed on or after August 25, 2006 will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in MPEP 708.02(a).

For the above-stated reasons, the petition is denied. Therefore, the file will be taken up by the examiner in its regular turn.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

OIPE
FEB 11 2008
PATENT & TRADEMARK OFFICE

APPROVED: /MT/ (04/17/2008)

11/607162

C of C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Warren M. Farnworth et al.

Examiner: Minh Nhut Tang

Patent No.: 7,323,896

Group Art Unit: 2829

Issue Date: January 29, 2008

Docket No: 1996-0936.08/US

Title: DEVICE AND METHOD FOR ISOLATING A SHORT-CIRCUITED INTEGRATED CIRCUIT (IC) FROM OTHER ICS ON A SEMICONDUCTOR WAFER

Commissioner for Patents
Office of Patent Publication
ATTN: Certificate of Correction Branch

Certificate of Correction
FEB 13 2008

We are transmitting herewith the attached:

X Request for Certificate of Correction.
X Certificate of Correction Form - PTO-1050 (in duplicate)
X A return postcard.

Please charge any additional fees or credit overpayment to Deposit Account No. 13-3092.

Customer Number: 26809

Respectfully submitted,

Date: February 8, 2008

By: _____
Russ Slifer
Reg. No. 39,838

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria VA 22313-1450, on this 8th day of February 2008.

Christine Hartness

Name

Christine Hartness

Signature

RECEIVED-USPTO
Patent Publication
FEB 13 2008

IN UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 7,323,896 Docket No: 1996-0936.08/US

Issue Date: January 29, 2008 Patentee: Warren M. Farnworth et al.

Title: DEVICE AND METHOD FOR ISOLATING A SHORT-CIRCUITED INTEGRATED CIRCUIT (IC) FROM OTHER ICS ON A SEMICONDUCTOR WAFER

OIPE MAIL FEB 11 2008 PATENT & TRADEMARK OFFICE

REQUEST FOR CERTIFICATION OF CORRECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
ATTN: Certificate of Correction Branch

It is requested that a Certificate of Correction be issued correcting printing errors appearing in the above-identified United States patent. Two copies of the text of the Certificate in the suggested form are enclosed.

As the error is that of the Patent Office, it is believed that no fee is due.

Issuance of the Certificate of Correction would neither expand nor contract the scope of the claims as properly allowed, and re-examination is not required.

Respectfully submitted,

Customer Number: 26809

Date: February 8, 2008 By:

Russ Sliter
Reg. No. 39,838

CERTIFICATE UNDER 37 CFR § 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on this 8th day of February 2008

Christine Hartness Christine Hartness

Name Signature

RECEIVED-USPTO
Patent Publication
FEB 13 2008

PTO/SB/44 (02-01)
PTO/SB/44 (02-01)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,323,896

DATED : January 29, 2008

INVENTOR(S) : Farnworth et al.

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the face page, in field (54), in "Title", in column 1, line 3, delete "ICS" and insert - - ICs - -, therefor.

In column 1, line 3, delete "ICS" and insert - - ICs - -, therefor.

In column 6, line 62, in Claim 3, delete "claim 1," and insert - - claim 2, - -, therefor.

In column 6, line 66, in Claim 4, delete "claim 1," and insert - - claim 2, - -, therefor.

In column 7, line 3, in Claim 5, delete "claim 1," and insert - - claim 2, - -, therefor.

In column 7, line 7, in Claim 6, delete "claim 1," and insert - - claim 2, - -, therefor.

In column 7, line 10, in Claim 7, delete "claim 1," and insert - - claim 2, - -, therefor.

RECEIVED-USPTO
Prior Publication
FEB 13 2008

PTO/SB/44 (02-01)
PTO/SB/44 (02-01)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,323,896

DATED : January 29, 2008

INVENTOR(S) : Farnworth et al.

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the face page, in field (54), in "Title", in column 1, line 3, delete "ICS" and insert - - ICs - -, therefor.

In column 1, line 3, delete "ICS" and insert - - ICs - -, therefor.

In column 6, line 62, in Claim 3, delete "claim 1," and insert - - claim 2, - -, therefor.

In column 6, line 66, in Claim 4, delete "claim 1," and insert - - claim 2, - -, therefor.

In column 7, line 3, in Claim 5, delete "claim 1," and insert - - claim 2, - -, therefor.

In column 7, line 7, in Claim 6, delete "claim 1," and insert - - claim 2, - -, therefor.

In column 7, line 10, in Claim 7, delete "claim 1," and insert - - claim 2, - -, therefor.

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Patent Publication
FEB 13 2008

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/607,162	12/01/2006	Warren M. Farnworth	2269-3038.8US (96-0936.8/	8837

63162 7590 04/23/2008

TRASK BRITT, P.C./ MICRON TECHNOLOGY
P.O. BOX 2550
SALT LAKE CITY, UT 84110

EXAMINER	
TANG, MINH NHUT	

ART UNIT	PAPER NUMBER
2829	

NOTIFICATION DATE	DELIVERY MODE
04/23/2008	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):

USPTOMail@traskbritt.com

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20080417

DATE : April 17, 2008

TO SPE OF : ART UNIT 2829

SUBJECT : Request for Certificate of Correction on Patent No.: 7,323,896

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:

/Ha Nguyen/

SPE: Ha T. Nguyen Art Unit 2829

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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MAR 09 2007

OFFICE OF PETITIONS

CISLO & THOMAS, LLP
233 WILSHIRE BLVD, SUITE 900
SANTA MONICA CA 90401-1211

In re Application of :
SOLARI, Ray :
Application No. 11/607,214 : DECISION ON PETITION
Filed: December 1, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 06-17571 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 2, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes the declaration of inventor Ray Solari, 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 3711 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HARMAN – BRINKS HOFER
CHICAGO
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

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JUL 07 2009

OFFICE OF PETITIONS

In re Application of :
Greg MLOTKOWSKI :
Application No. 11/607,219 : DECISION ON PETITION
Filed: December 1, 2006 : TO WITHDRAW
Attorney Docket No. 11336/1309 (P06097US) : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 15, 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 above have been performed.

The request cannot be approved because the attorneys of record were not appointed by Customer Number 81166, as indicated. Assignee has not properly intervened.

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: ROBERT P. HART, ESQ.
HARMAN INTERNATIONAL INDUSTRIES, INC.
8500 BALBOA BOULEVARD
NORTHDRIDGE, CA 91329

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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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

Mail Date: 04/21/2010

Applicant	: Tysonn Yuievonn Betts	: DECISION ON REQUEST FOR
Patent Number	: 7572249	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/607,240	: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

Mail Date: 07/01/2010

Applicant	: Ching-Hui Yen	: DECISION ON REQUEST FOR
Patent Number	: 7637463	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/607,269	: 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 **425** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/607,273	12/01/2006	Florian Solzbacher	00846-U3786.NP.CIP	9017

20551 7590 05/16/2008
THORPE NORTH & WESTERN, LLP.
P.O. Box 1219
SANDY, UT 84091-1219

EXAMINER	
GREEN, PHILLIP	

ART UNIT	PAPER NUMBER
2823	

MAIL DATE	DELIVERY MODE
05/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11607273	12/1/2006	SOLZBACHER ET AL.	00846-U3786.NP.CIP

THORPE NORTH & WESTERN, LLP.
P.O. Box 1219
SANDY, UT 84091-1219

EXAMINER	
MATTHEW SMITH	
ART UNIT	**PAPER**
2823	20080513

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Accompanying this letter is a decision on applicant's petition to amend (add) inventors to the originally filed application. The petition is granted and the case forwarded to technical support and publications to publish the application with the correct inventors.

/Matthew S. Smith/
Supervisory Patent Examiner, Art Unit 2823

Matthew S. Smith
SPE
Art Unit: 2823

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No. 51308

Appl No.: 11/607,273
Inv: Solzbacher et al.
Filed: December 1, 2006
For: FLIP CHIP METALLIZATION METHOD AND DEVICES

DECISION ON PETITION UNDER *37 CFR 1.48(a)(1)*

This is a decision on the applicant's "Petition to Correct And/Or Add to Originally Named Inventors to a Patent" filed under 37 CFR 1.48 filed March 26, 2008. The applicant requests that the names of Hans-Hermann Oppermann, Lothar Dietrich, Matthias Klein, and Michael Topper be added to the list of inventors as originally filed, namely, Florian Solzbacher, Reid R. Harrison and Richard A. Normann.

After a careful review of the file and applicant having supplied all of the information and requirements of 37 CFR 1.48(a)(1), the petition is hereby **granted**.

This letter is being submitted to the technical support staff to correct our files (PALM) and the information is being forwarded to Publication Branch who is awaiting this reply. .

Matthew S. Smith

Supervisory Primary Examiner AU 2823

Technology Center 2800

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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MAILED

JUN 0 1 2010

OFFICE OF PETITIONS

FULBRIGHT & JAWORSKI L.L.P
2200 ROSS AVENUE
SUITE 2800
DALLAS, TX 75201-2784

In re Application of :
John G. Lert Jr. :
Application No. 11/607,283 :
Filed: December 1, 2006 :
Atty.Docket No. 65003/P008US/10707830 :

DECISION ON APPLICATION
FOR PATENT TERM ADJUSTMENT

This is in response to the "Application for Patent Term Adjustment Under 37 CFR 1.705(d)" filed November 12, 2009, requesting the initial determination of patent term adjustment be corrected from one hundred seventy one (171) days to three hundred seventy-nine (379) days. The petition is being treated as a petition under 37 C.F.R. § 1.705(b).[1]

The application for patent term adjustment is **granted to the extent indicated herein.**

The Office has updated the PALM screen to reflect the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is two hundred fifty-nine (259) days. A copy of the updated PALM screen showing the correct determination is enclosed.

The Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) in the application on October 22, 2009. Applicant was advised of a patent term adjustment to date of 171 days. In response, Applicant timely filed the instant application for patent term adjustment prior to payment of the issue fee.

Applicant asserts, in essence, the Office should have entered an increase of 409 days, not 201 days, for Office delay under 37 C.F.R. § 1.703(a)(1).

Facts

The application was filed December 1, 2006.

Applicant instructed the Office to send correspondence to the address associated with Customer No. 01933.

[1] A petition requesting reconsideration of the patent term adjustment indicated in a notice of allowance is properly considered under 37 C.F.R. § 1.705(b), not 37 C.F.R. § 1.705(d).

A Power of Attorney and Correspondence Address Form ("Power of Attorney") was filed June 22, 2007. The Power of Attorney was signed by Ajay Bam, Director of Information Systems for Vayusa, Inc.

The Office mailed a Notice Regarding Power of Attorney on June 29, 2007. The notice stated,

> The Power of Attorney in this application is not accepted [because the] Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73(b) has not been received.

A proper Power of Attorney and the certificate required by 37 C.F.R. § 3.73(b) were filed August 14, 2008. The Power of Attorney requested the Office send future correspondence to the address associated with Customer No. 29053.

On August 20, 2008, only six days after the second Power of Attorney was filed, the Office mailed a non-final Office action. The Office mailed the Office action to the address associated with Customer No. 01933.

During March 2009, the examiner learned the prior Office action had been mailed to an incorrect address. As a result, the examiner mailed a new Office action to the address associated with Customer No. 29053 on March 16, 2009.

Delay Under 37 C.F.R. § 1.703(a)(1)

Pursuant to 37 C.F.R. § 1.703(a)(1), the period of adjustment of patent term due to examination delay includes:

> 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.

The calculation of patent term adjustment in the Notice of Allowance was based on a determination that the Office delay under 37 C.F.R. § 1.703(a)(1) is 201 days, which is the number of days beginning February 2, 2008, the day after the date 14 months after the filing date, and ending on August 20, 2008, the date the Office mailed the first non-final Office action.

Applicant contends the 14-month time period for the Office to mail an Office action did not stop until the Office mailed an Office action to a correct address on March 16, 2009. In other words, Applicant contends the period of delay is 409 days, which is the number of days beginning February 2, 2008, and ending on March 16, 2009.

The Office has reviewed the record and determined Applicant is correct. The period of delay under 37 C.F.R. § 1.703(a)(1) is 409 days.

Delay Under 37 C.F.R. § 1.704(c)(6)

Pursuant to 37 C.F.R. § 1.704(c)(6), circumstances that will result in a reduction in the period of adjustment include, with emphasis added,

> Submission of a preliminary amendment *or other preliminary paper* less than one month before the mailing of an Office action under 35 U.S.C. 132 or notice of allowance under 35 U.S.C. 151 that requires the mailing of a supplemental Office action or notice of allowance, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:
>
> (i) The number of days, if any, beginning on the day after the mailing date of the original Office action or notice of allowance and ending on the date of mailing of the supplemental Office action or notice of allowance; or
>
> (ii) Four months.

The August 14, 2008 Power of Attorney was a preliminary paper filed less than one month before the mailing of an Office action or notice of allowance. Specifically, the Power of Attorney was filed six days before the Office mailed the August 20, 2008 non-final Office action.

As a result of the Applicant filing the second Power of Attorney only six days prior to the Office mailing the first Office action, the Office needed to mail a second non-final Office action on March 16, 2009. Therefore, a reduction under is warranted under 37 C.F.R. § 1.704(c)(6).

In this case, the second non-final Office action was mailed more than four months after the Office mailed the first Office action. Therefore, the Office should have entered a four-month (120 day) reduction under 37 C.F.R. § 1.704(c)(6).

A 120-day reduction has been entered pursuant to 37 C.F.R. § 1.704(c)(6).

In the future, prior to filing a preliminary paper in a case where an Office action may be mailed soon, Applicant may wish to use PAIR[2] to determine whether or not an examiner has been assigned to the case. If an examiner has been assigned to the case, Applicant can contact the examiner to inform the examiner of Applicant's intent to file the preliminary paper.

Conclusion

The Office should have:

(1) Entered an adjustment of 409 days under 37 C.F.R. § 1.703(a)(1) instead of an adjustment of 201 days, and

(2) Entered a reduction of 120 days under 37 C.F.R. § 1.704(c)(6).

In view of the prior discussion, the Office has entered a 208-day (409 - 201) increase in the patent term adjustment for delay under 37 C.F.R. § 1.703(a)(1) and entered a 120-day reduction fro delay under 37 C.F.R. § 1.704(c)(6).

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[2] PAIR can be accessed at http://www.uspto.gov/patents/process/status/index.jsp.

The patent term adjustment at the time of the mailing of the Notice of Allowance is 259 days, which is 409 days of Office delay reduced by 120 days of delay under 37 C.F.R. § 1.704(c)(6) and reduced by 30 days of delay under 37 C.F.R. § 1.704(b).

Submission of the $200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged. No additional fee is required.

Applicant is reminded that any delays by the Office pursuant to 37 C.F.R. §§ 1.702(a)(4) and 1.702(b) and any applicant delays under 37 C.F.R. § 1.704(c)(10) will be calculated at the time of the issuance of the patent and Applicant will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to Applicant approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of REVISED PALM screen

Day : Monday
Date: 5/31/2010

PALM INTRANET

Time: 09:27:33

PTA Calculations for Application: 11/607283			
Application Filing Date:	12/01/2006	PTO Delay (PTO):	201
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	30
Post-Issue Petitions:	0	Total PTA (days):	259
PTO Delay Adjustment:	88		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
64	05/31/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	5		
63	05/31/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		125	
62	05/31/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	208		
44	10/22/2009	MAIL NOTICE OF ALLOWANCE			
43	10/21/2009	ISSUE REVISION COMPLETED			
42	10/21/2009	DOCUMENT VERIFICATION			
41	10/21/2009	EXAMINER'S AMENDMENT COMMUNICATION			
40	10/21/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
39	10/08/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
38	10/09/2009	NOTICE OF ALLOWABILITY			
34	08/28/2009	DATE FORWARDED TO EXAMINER			
33	07/16/2009	RESPONSE AFTER NON-FINAL ACTION		30	30
32	07/16/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
31	03/09/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
30	03/16/2009	MAIL SUPPLEMENTAL NON-FINAL ACTION			
29	03/13/2009	SUPPLEMENTAL NON-FINAL ACTION			
28	03/09/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
27	03/09/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
26	09/05/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	09/05/2008	REFERENCE CAPTURE ON IDS			
		INFORMATION DISCLOSURE STATEMENT (IDS)			

24	09/05/2008	FILED			
23	10/21/2008	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
22	10/14/2008	CORRESPONDENCE ADDRESS CHANGE			
21	09/05/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	08/20/2008	MAIL NON-FINAL REJECTION	201		-1
19	08/18/2008	NON-FINAL REJECTION			
18	12/01/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
17	01/05/2008	CASE DOCKETED TO EXAMINER IN GAU			
16	10/22/2007	TRANSFER INQUIRY TO GAU			
15	10/17/2007	WITHDRAW FLAGGED FOR 5/25			
14	10/15/2007	FLAGGED FOR 5/25			
13	06/29/2007	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
12	06/07/2007	PG-PUB ISSUE NOTIFICATION			
11	02/08/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
10	12/01/2006	REFERENCE CAPTURE ON IDS			
9.7	12/01/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	12/01/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	02/02/2007	APPLICATION DISPATCHED FROM OIPE			
7	02/02/2007	APPLICATION IS NOW COMPLETE			
6	01/23/2007	ADDITIONAL APPLICATION FILING FEES			
5	01/23/2007	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
4	12/26/2006	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	12/14/2006	CLEARED BY OIPE CSR			
2	12/11/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/01/2006	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100108

DATE : January 08, 2010

TO SPE OF : ART UNIT 1652

SUBJECT : Request for Certificate of Correction on Patent No.: 7,537,915

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/ANDREW WANG/
Supervisory Patent Examiner.Art Unit 1656

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/607,315	11/30/2006	Robert Voliter	ADOBB351	9802

61222 7590 07/06/2009

VAN PELT, YI & JAMES LLP AND ADOBE SYS. INCORP.
10050 N. FOOTHILL BLVD.
SUITE 200
CUPERTINO, CA 95014

EXAMINER	
GUERTIN, AARON M	

ART UNIT	PAPER NUMBER
2628	

MAIL DATE	DELIVERY MODE
07/06/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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VAN PELT, YI & JAMES LLP AND ADOBE SYS. INCORP.
10050 N. FOOTHILL BLVD.
SUITE 200
CUPERTINO CA 95014

MAIL

JUL 6 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Robert Voliter *et al* :
Serial No.: 11/607,315 :
Filed: November 30, 2006 : DECISION ON PETITION
For: **COMBINED COLOR HARMONY GENERATION AND ARTWORK RECOLORING MECHANISM** : *ACCEPTANCE OF COLOR DRAWINGS*

This is a decision on the petition under 37 CFR §1.184(a)(2), filed November 30, 2006 requesting acceptance of color drawings.

The petition requests that the color drawings identified in FIGS. 1, 2, 4, 5, 8, 9, 10, 13, and 14 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is GRANTED.

Ken Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 5

DATE : 10/14/08

TO SPE OF : ART UNIT 1652

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/607319 Patent No.: 7338782 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

Virginia Tolbert
Certificates of Correction Branch
703-308-9390 ext. 113
571-270-9892

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: _____

N Steed
SPE

1652
Art Unit

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Mark J. Pandiscio
Pandiscio & Pandiscio, P.C.
470 Totten Pond Road
Waltham MA 02451-1914

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of :
Ammann, et ~~al.~~ :
Filed: December 1, 2006 : ON PETITION
Application No. 11/607,321 :
Atty. Dkt. No.: NOVAK-0910 :

This decision is in response to the "PETITION TO ACCEPT ALLEGEDLY OMITTED ITEM IN NON-PROVISIONAL PATENT APPLICATION AND TO ACCORD ORIGINAL FILING DATE FOR THIS ITEM," filed March 2, 2007, to accord the above-identified application a filing date of December 1, 2006 with Figures 38, 40, 44, 46, and 48 as part of the original disclosure of invention. This matter is being treated under 37 CFR 1.53(e).

The application was filed December 1, 2006. The Notice to File Missing Parts of Nonprovisional Application (Notice) mailed December 29, 2006 indicated, *inter alia*, that the application had been accorded a filing date but that Figures 38, 40, 44, 46, and 48 appeared to have been omitted from the application papers as filed.

In response, the petitioners argue that the application as deposited included the figures in question and have presented as proof of mailing and proof of receipt of the figures in question a return postcard date stamped by the Office on December 1, 2006. A copy of drawing sheet purportedly filed with the application was submitted herewith.

The original figures in question have not been located. However, in view of the evidence presented, the petition to accord the application a filing date of December 1, 2006 is GRANTED.

Since the original of Figures 38, 40, 44, 46, and 48 cannot be located in the Office, the copy submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter. Petitioners may request a refund by writing to the Finance

Office, Refund Section. A copy of this decision should accompany any request for refund.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of December 1, 2006 and Figures 38, 40, 44, 46, and 48 as part of the disclosure of application.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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	: Stephen T. Brown	: DECISION ON REQUEST FOR
Patent Number	: 7575194	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/607,333	: 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 **173** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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

CYTYC CORPORATION
DARRY PATTINSON, SR. IP PARALEGAL
250 CAMPUS DRIVE
MARLBOROUGH MA 01752

COPY MAILED

APR 0 8 2009

OFFICE OF PETITIONS

In re Application of
Joseph A. Sorge
Application No. 11/607,341
Filed: November 30, 2006
Attorney Docket No. 30.057011 CIP 20

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 24, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed November 18, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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REISING ETHINGTON P.C.
P O BOX 4390
TROY, MI 48099-4390

Mail Date: 04/21/2010

Applicant	: Richard B. Moore	: DECISION ON REQUEST FOR
Patent Number	: 7617584	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/607,392	: 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 **399** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SEP 21 2007

OFFICE OF PETITIONS

Lisa Speroni
1868 Lake Road
Greenbrier TN 37073

In re Application of :
Speroni, et al. : DECISION ON PETITION
Application No. 11/607,421 :
Filed: December 1, 2006 :
For: MY PET ID COLLAR :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed September 6, 2007.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

This application became abandoned July 21, 2006 for failure to timely submit a proper reply to the Notice to File Correction Application Papers (Notice) mailed December 26, 2006. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed August 31, 2007.

Petitioners argue non-receipt of the Notice mailed December 26, 2006.

In the absence of any irregularity in the mailing of a Notice, there is a strong presumption that the Notice was properly mailed to applicants at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from applicants stating that the Notice was not received by applicants and attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in applicants' statement. *See*, MPEP 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost

after receipt rather than a conclusion that the Notice was lost in the mail.

Office records indicate the Notice was properly mailed to the correspondence address of record at the time of mailing. Accordingly, there was no irregularity in mailing the Office communication on the part of the United States Patent and Trademark Office.

The instant petition is not accompanied by any evidence to support a finding of non-receipt of the Notice.

Any renewed petition must establish non-receipt of the final Office was not a consequence of applicants' failure to properly submit a change of correspondence address

ALTERNATE VENUE

Petitioners may wish to consider filing a petition stating that the delay was unintentional. Petitioners' attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail:	**Mail Stop Petition** Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand delivery:	U.S. Patent and Trademark Office Customer Window, **Mail Stop Petition**

Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

PTO/SB/64 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ _____
Signature Date

_____ _____
Typed or printed name Registration Number, if applicable

_____ _____
Address Telephone Number

_____
Address

Enclosures:
☐ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ _____
Date Signature

_____
Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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Lisa Speroni
1868 Lake Road
Greenbrier TN 37073

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DEC 14 2007

OFFICE OF PETITIONS

In re Application of :
Speroni, et al. :
Application No. 11/607,421 : DECISION ON PETITION
Filed: December 1, 2006 :
For: MY PET ID COLLAR :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 19, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned February 22, 2007 for failure to timely submit a proper reply to the Notice to File Correction Application Papers (Notice) mailed December 26, 2006. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed August 31, 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 substitute specification, (2) the required petition fee, and (3) a 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 that has been executed by both named inventors varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioners 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 the Office of Patent Application Processing for appropriate action by the Examiner in the normal course of business on the reply received

Alesia M. Brown
Petitions Attorney
Office of Petitions

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

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SEP 26 2007

OFFICE OF PETITIONS

In re Application of :
Viviana Braude, et al. :
Application No. 11/607,423 : DECISION GRANTING PETITION
Filed: December 1, 2006 :
Atty Docket No. 01662/71402 :

This is a decision in response to the petition filed April 23, 2007, requesting that the above-identified application be accorded a filing date of December 1, 2006, instead of the presently accorded date of November 30, 2006.

A review of the record discloses that USPTO records have been updated to show the correct filing date pursuant to 37 CFR 1.10. A corrected Official Filing Receipt was mailed on July 2, 2007.

Accordingly, the present petition is dismissed as moot.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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JUL 2 8 2008

BINGHAM MCCUTCHEN LLP
THREE EMBARCADERO CENTER
SAN FRANCISCO, CA 94111-4067

In re Application of :
ZHANG, Yu :
Application No. 11/607,447 : DECISION ON PETITION
Filed: November 30, 2006 : TO WITHDRAW
Attorney Docket No. **38739/50** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 21, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to BINGHAM MCCUTCHEN LLP has been revoked by the assignee of the patent application on April 11, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **MINDRAY C/O STOEL RIVES LLP**
201 S. MAIN STREET
SUITE 1100
SALT LAKE CITY UT 84111

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Bingham McCutchen, LLP
Three Embarcadero Center
San Francisco, CA 94111-4067

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APR 23 2008

OFFICE OF PETITIONS

In re Application of :
Wenyu Ye et al. :
Application No. 11/607,457 : DECISION ON PETITION
Filed: December 1, 2006 : TO WITHDRAW
Attorney Docket No. 38739/46 : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 21, 2008.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Gerald Chan and all attorneys/agents associated with customer number 23639 of record has been revoked by the assignee of the patent application on April 14, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Mindray c/o Stoel Rives, LLP
201 S. Main Street
Suite 1100
Salt Lake City, UT 84111

UNITED STATES PATENT AND TRADEMARK OFFICE

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Bingham McCutchen, LLP
Three Embarcadero Center
San Francisco, CA 94111-4067

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APR 23 2008

OFFICE OF PETITIONS

In re Application of
Li Yao et al.
Application No. 11/607,476
Filed: November 30, 2006
Attorney Docket No. 38739/47

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 21, 2008.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Gerald Chan and all attorneys/agents associated with customer number 23639 of record has been revoked by the assignee of the patent application on April 14, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Mindray c/o 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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/607,476	11/30/2006	Li Yao	MRay-7053312001 I2006353E

CONFIRMATION NO. 8553

POWER OF ATTORNEY NOTICE

23639
BINGHAM MCCUTCHEN LLP
Three Embarcadero Center
San Francisco, CA 94111-4067

OC000000029508102

Date Mailed: 04/22/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/14/2008.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/hchristian/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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2500 ONE LIBERTY PLACE
1650 MARKET STREET
PHILADELPHIA PA 19103

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OCT 21 2009

OFFICE OF PETITIONS

In re Application of
Neil G. Sellars
Application No. 11/607,495
Filed: December 1, 2006
Attorney Docket No. 05-40144-US-P2

: 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 July 28, 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 concurrently filed amendment.

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 comply with item (1)

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of

the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications. **The amendment filed with the above application is not clear as to which applications is a continuation-in-part of application no. 10/744,581.**

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) an Application Data Sheet or a substitute amendment complying with the above matter are required.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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1650 MARKET STREET
PHILADELPHIA PA 19103

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OCT 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Neil G. Sellars	:	
Application No. 11/607,495	:	DECISION ON PETITION
Filed: December 1, 2006	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 05-40144-US-P2	:	
(829544.20	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed October 29, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt

accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. 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 1791 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/607,495	12/01/2006	1791	840	05-40144-US-P2 (829544.20	31	3

CONFIRMATION NO. 9920

CORRECTED FILING RECEIPT

7066
REED SMITH LLP
2500 ONE LIBERTY PLACE
1650 MARKET STREET
PHILADELPHIA, PA 19103

Date Mailed: 10/30/2009

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)

Neil G. Sellars, Cinnaminson, NJ;

Power of Attorney: The patent practitioners associated with Customer Number 07066

Domestic Priority data as claimed by applicant

This application is a CIP of 11/455,926 06/19/2006 ABN
and is a CIP of 11/482,095 07/06/2006
which is a CIP of 10/634,442 08/05/2003 ABN
and said 11/455,926 06/19/2006
is a CIP of 10/634,442 08/05/2003 ABN
which is a CON of 09/404,429 09/23/1999 PAT 6,613,410
and said 11/455,926 06/19/2006
is a CIP of 10/744,581 12/23/2003 ABN
and said 11/482,095 07/06/2006
is a CIP of 10/744,581 12/23/2003 ABN
which is a CON of 09/898,871 07/03/2001 ABN
which is a CON of 09/232,121 01/15/1999 PAT 6,274,236
which is a DIV of 08/662,842 06/12/1996 ABN
which is a CIP of 08/489,611 06/12/1995 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 01/18/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/607,495**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

Labels and methods of making same

Preliminary Class

156

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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United States Patent and Trademark Office
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Horst Wagner	: DECISION ON REQUEST FOR
Patent Number	: 7665301	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/607,498	: 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 **309** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

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MAY 29 2007

OFFICE OF PETITIONS

In re Application of :
Park, et al. :
Application No. 11/607,502 : ON PETITION
Filed: November 29, 2006 :
Attorney Docket No. CU-5299 :
For: POWER CONTROL METHOD FOR MOBILE RFID READER AND RFID READER USING THE SAME

This is a decision on the petition, filed April 30, 2007 (certificate of mailing date April 25, 2007), requesting that the above-identified application be accorded a filing date of November 30, 2006, rather than the presently accorded filing date of November 29, 2006.

The petition under 37 CFR 1.10(d) is **dismissed**.

Petitioners contend that the above-identified application was deposited in the United States Postal Service (USPS) Express Mail service on November 30, 2006 and accordingly request a November 30, 2006 filing date for the application.

Paragraph (a) of 37 CFR 1.10 states that:

> Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date. See §1.6(a).

(Emphasis supplied). Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing, which establishes to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

This petition does not satisfy requirement (2) listed above. The Utility Patent Application Transmittal found in the application file cites Express Mail Label No. 871548865.

This is an incomplete Express Mail Label Number. The complete Express Mail Label Number in question is **EV871548865US**. Therefore, the petition is dismissed.

After the mailing of this decision, the application will be forwarded to Technology Center AU 2612 for examination in due course.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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

MORGAN, LEWIS & BOCKIUS, LLP. (PA)
2 PALO ALTO SQUARE
3000 EL CAMINO REAL, SUITE 700
PALO ALTO, CA 94306

Mail Date: 04/21/2010

Applicant	: Veena Misra	: DECISION ON REQUEST FOR
Patent Number	: 7642546	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/607,503	: 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 **456** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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

LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE, SUITE 1600
CHICAGO IL 60604

COPY MAILED

JUN 12 2007

OFFICE OF PETITIONS

In re Application of	:	
Hyun Woo Oh	:	
Application No. 11/607,505	:	DECISION GRANTING PETITION
Filed: November 30, 2006	:	
Attorney Docket No. CU-5288 WWP	:	

This is a decision on the petition under 37 CFR 1.10(d), filed April 30, 2007, requesting that the above-identified application be accorded a filing date of November 30, 2006, rather than the presently accorded filing date of November 29, 2006.

Applicant requested the later filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail, Label No. EV871548843US, on November 30, 2006, pursuant to 37 CFR 1.10. The same Express Mail receipt number was placed on the original patent application transmittal letter of record in the official file.

Applicant asserted that a hand-written notation on the Express Mail Label was incorrect. Applicant stated that they submitted copies of the Express Mail Label and the Track and Confirm information from the USPS, which indicated a date in of November 30, 2006. Unfortunately, the Office has not located these documents with the present petition. Nevertheless, to substantiate applicant's assertion that the package in question was deposited with the USPS as Express Mail on November 30, 2006, an independent search was made of the USPS Express Mail Track and Confirm records, which resulted in a finding that the package in question was in fact accepted on November 30, 2006, at the USPS. Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on November 30, 2006. Accordingly, the instant application is entitled to a filing date of November 30, 2006. The petition is **granted**.

This matter is being referred to the Office of Initial Patent Examination for processing with a filing date of November 30, 2006.

Telephone inquiries concerning this matter may be directed to 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
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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

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FEB 19 2008

In re Application of :
Kim, et al. :
Application No. 11/607,506 : DECISION
Filed: 30 November, 2006 :
Attorney Docket No. Cu-5285 WWP :

This is a decision on the petition under 37 C.F.R. §1.10, filed on 30 April, 2007, seeking for the above-identified application a filing date of 30 November, 2006, rather than the presently accorded filing date of 29 November, 2006.

The petition is **GRANTED**.

BACKGROUND AND ANALYSIS

The instant application was received by the Office and subsequently accorded a filing date of 29 November, 2006.

The record reflects that:

- the instant application, averred to have been transmitted the package bearing US Postal Service (USPS) Express Mail Label No. EV871548830US, was received by the Office on 4 December, 2006, and subsequently given a filing date of 29 November, 2006;

- with the instant petition, filed on 1 November, 2006, Petitioner provided, *inter alia*, a copy of the USPS Express Mail label bearing USPS Express Mail Label No. EV871548830US with the hand-written "date in" of "11/29/06," and Petitioner avers that this date is incorrect, and directs the attention of the Office to: (a) the billing tape

generated at the USPS post office at which the deposit transaction took place and bears the identification of "LOOP STATION PO CHICAGO, Illinois 60604[-]9998[,]" is dated "11/30/2006" and contains the USPS Express Mail Label number EV871548830US; and (b) the USPS (online) Track & Confirm record bearing USPS Express Mail Label No. EV871548830US, and reflects "Acceptance CHICAGO IL 60604 11/30/06 3:58pm."

(It is a valuable practice to refer to the USPS Track & Confirm website a day or two after an expected delivery and obtain/retain this documentation for Petitioner's records.)

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation– since all owe to the Office the continuing duty to disclose.[1]

The petition is **granted**, and the petition fee is waived.

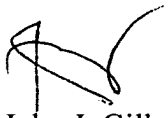
The instant file is released to OIPE to correct the filing date so as to accord to the instant application a filing date of 30 November, 2006, and to mail to Petitioner a corrected filing receipt reflecting a filing date of 30 November, 2006.

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

See specifically, the regulations at 37 C.F.R. §10.18.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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INFINEON TECHNOLOGIES NORTH AMERICA CORP.
4505 EMPEROR BLVD , SUITE 310
DURHAM NC 27703

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MAR 3 1 2008

OFFICE OF PETITIONS

In re Application of :
David MUELLER :
Application No. 11/607,518 : DECISION ON PETITION
Filed: December 01, 2006 :
Attorney Docket No. 2006P52086US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 20, 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 December 28, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 01, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees and the oath, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay. Accordingly, the response to the notice is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

The application is being referred to the Office of Initial Patent Examination.

David Bucci
Petitions Examiner
Office of Petitions

cc: **MARIE-CLAIRE B. MAPLE**
3000 CENTREGREEN WAY
CARY, NC 27513

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

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JUN 11 2008

OFFICE OF PETITIONS

In re Application of
Jin A. Park et al.
Application No. 11/607,539
Filed: November 30, 2006
Attorney Docket No. CU-5244 WWP

: DECISION GRANTING PETITION

This is a decision on the petition filed April 30, 2007 requesting that the above-identified application be accorded a filing date of November 30, 2006 rather than the presently accorded filing date of November 29, 2006. The petition is treated under 37 CFR 1.10(d).

Petitioners have provided a copy of Express Mail Customer label No. EV871548857US (the same Express Mail number appearing on the itemized transmittal sheet accompanying the original application papers located in the Official file) showing a "date-in" of November 29, 2006 Petitioners acknowledge that the date of the deposit in Express Mail shown on petitioners' Express Mail receipt is November 29, 2006, but argue that the application was actually deposited with the USPS on November 30, 2006.

In support of the petition seeking to have November 30, 2006 accorded as the filing date, petitioners have provided an email generated from the USPS Internet Track & Confirm Database which shows an acceptance date of November 30, 2006 at 3:56pm, as well as a copy of a USPS cash register receipt which corresponds to the Express Mail Customer Label and the Track & Confirm Database.

The evidence provided corroborates that the item bearing Express Mail Label No. EV871548857US was presented for mailing on November 30, 2006 and not on November 29, 2006. In view thereof, it is concluded that the application is entitled to a filing date of November 30, 2006.

The petition is **GRANTED**. In view thereof, no petition fees are due and none have been charged.

This matter is being referred to the Office of Patent Application Processing for correction of the filing date to November 30, 2006 and not November 29, 2006, and for issuance of a corrected filing receipt.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorne
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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ROBERT T. MALDONADO
COOPER & DUNHAM, LLP
1185 ANEVUE OF THE AMERICAS
NEW YORK, NY 10036

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MAY 19 2008

OFFICE OF PETITIONS

In re Application of :
Marc I. Epstein :
Application No. 11/607,561 : DECISION ON PETITION
Filed: November 30, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 6818/71882 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 23, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3632 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 21 2008

OFFICE OF PETITIONS

SAWYER LAW GROUP LLP
PO BOX 5418
PALO ALTO, CA 94303

In re Application of	:	
Andrew BURNSIDE, et al	:	
Application No. 11/607,564	:	DECISION ON PETITION
Filed: December 1, 2006	:	TO WITHDRAW
Attorney Docket No. 3983P	:	FROM RECORD
	:	

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 **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Sawyer Law Group LLP, has been revoked by the assignee of the patent application on February 25, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SCHWEGMAN, LUNDBERG
& WOESSNER/ATMEL
P.O. BOX 2938
MINNEAPOLIS, MN 55402

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/607,564	12/01/2006	Andrew Burnside	3983P

CONFIRMATION NO. 1575

POA ACCEPTANCE LETTER

76287
SCHWEGMAN, LUNDBERG & WOESSNER / ATMEL
P.O. BOX 2938
MINNEAPOLIS, MN 55402

OC000000028988919

Date Mailed: 03/20/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/25/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/dcgoodwyn/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/607,564	12/01/2006	Andrew Burnside	3983P

CONFIRMATION NO. 1575

POWER OF ATTORNEY NOTICE

29141
SAWYER LAW GROUP LLP
P O BOX 51418
PALO ALTO, CA 94303

OC00000028988872

Date Mailed: 03/20/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/25/2008.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/dcgoodwyn/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

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ORGANON USA, INC.
C/O SCHERING-PLOUGH CORPORATION
2000 GALLOPING HILL ROAD
MAIL STOP: K-6-1, 1990
KENILWORTH NJ 07033

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SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Napier et al.	:	
Application No. 11/607,574	:	ON PETITION
Filed: December 1, 2006	:	
Attorney Docket No. 2005.921US	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 31, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue and publication fees, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HARRY M. LEVY
EMRICH & DITHMAR, LLC
SUITE 2080
125 SOUTH WACKER DRIVE
CHICAGO IL 60606

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JUN 0 1 2007

OFFICE OF PETITIONS

In re Application of	:	
Auciello, Carlisle, Gerbi, and	:	DECISION ACCORDING STATUS
Birrell	:	UNDER 37 CFR 1.47(a)
Application No. 11/607,581	:	
Filed: 30 November, 2006	:	
Atty Docket No. ANL 335	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed on 30 March, 2007.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor could not be located despite diligent efforts. Specifically, petitioners have shown that a copy of the application was sent by Federal Express to the non-signing inventor, James Birrell. Despite multiple attempts to deliver the envelope, the non-signing inventor could not be reached to sign the declaration naming him as a joint inventor along with Orlando Auciello, John Carlisle, and Jennifer Gerbi.

As such, petitioners have shown that despite diligent efforts, the non-signing inventor could not be located.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition, not the Declaration. Notice of

the filing of this application will also be published in the *Official Gazette*.

The application is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW May-07

James Birrell
4420 West 87th Street
Chicago IL 60652

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JUN 01 2007

OFFICE OF PETITIONS

In re Application of
Auciello et al.
Application No. 11/607,581
Filed: 30 November, 2006
For: INTEGRATION OF DISSIMILAR MATERIALS FOR ADVANCED MULTIFUNCTIONAL DEVICES

Dear Mr. Birrell:

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

HARRY M. LEVY
EMIRICH & DITHMAR, LLC
SUITE 2080
125 SOUTH WACKER DRIVE
CHICAGO IL 60606

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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HARRY M. LEVY
EMRICH & DITHMAR, LLC
SUITE 2080
125 SOUTH WACKER DRIVE
CHICAGO IL 60606

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Auciello et al.	:	
Application No. 11/607581	:	DECISION ON PETITION
Filed: 11/30/2006	:	
Atty Docket No. ANL 335	:	

This is a decision on the petition, filed on 9 March, 2007, under 37 CFR 1.10(d), which is treated as a petition requesting that the above-identified application be accorded a filing date of 29 November, 2006, rather than the presently-accorded filing date of 30 November, 2006.

The petition is dismissed.

Petitioners allege that the application was deposited in Express Mail service on 29 November, 2006.

Paragraph (a) of 37 CFR 1.10 states that:

> Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date.[1] (emphasis added)

[1] See 37 CFR 1.6(a).

Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
> (3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in § 10.1(r) of this chapter.

Petitioners assert that they "deposited the application at a postal service center … by Express Mail on November 29, 2006." In support, petitioners have included a declaration of facts by Brenda Starks, secretary and legal assistant to petitioner's registered patent counsel, Harry M. Levy, in which Ms. Starks states that she delivered the application to the USPS on 29 November, 2006. Petitioners have also supplied a letter dated 30 November, 2006, to the client stating that the application was filed by Express Mail. Additionally, a copy of the USPS Track & Confirm Internet report for USPS Label No. EV725102910US (the same Express Mail Number found on the itemized transmittal sheet accompanying the original application papers in the official

file) has been supplied, showing the application was accepted by the USPS on 30 November, 2006.

The showing of record has been considered, but is not persuasive. Specifically, the showing of record lacks requirement (3) above in that petitioners have not established that the Express Mail envelope was deposited with the USPS in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for 29 November, 2006. Petitioners should provide documentation showing the last scheduled pickup of the day on 29 November, 2006, at the Sears Tower Post Office and state whether or not the application was deposited with the USPS prior to the last scheduled pickup of the day.

Additionally, petitioners may wish to consider requesting a letter from the USPS stating that the correct date of deposit is 29 November, 2006, and explaining why the error occurred. If petitioners received a copy of the Express Mail label with the "date-in" completed a copy of that label should be supplied. If the label was not received, petitioners should explain why the completed label was not received.

Furthermore, it is noted that in her declaration Ms. Starks states in paragraph 6 that "the above-identified application was delivered by my to an appropriate U.S. postal service center on Wednesday, November 29, 2006", but states in paragraph 7 "I have no specific recollection of depositing these particular papers at the U.S. Post Office." As such, it is unclear whether these papers were or were not deposited with the USPS on 29 November, 2006. If petitioners have a mail log created after deposit and within one business day of the deposit, showing the date the application papers in question were deposited with the USPS, petitioners may wish to consider submitted a copy of the mail log as evidence of the date of deposit.

Any request for reconsideration (no further petition fee is required) must be filed within TWO MONTHS of the date of this decision in order to be considered timely [37 CFR 1.181(f)].

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Building
Alxandria VA 22314

The address in the present petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

/D Wood/
Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc: OLSON & HIERL, LTD.
20 N. WACKER DR., 36TH FL
CHICAGO IL 60606

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 14 2008

OFFICE OF PETITIONS

SAWYER LAW GROUP LLP
P O BOX 51418
PALO ALTO, CA 94303

In re Application of

ENICKS, Darwin Gene
Application No. 11/607,589
Filed: December 01, 2006
Attorney Docket No. **3967P**

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 11, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Joseph A. Sawyer, Jr. on behalf of all attorneys of record who are associated with customer No. 29141. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

There are no 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: **DARWIN GENE ENICKS**
6845 SNOWBIRD DR.
COLORADO SPRINGS, CO 80918

cc: **SCHWEGMAN, LUNDBERG & WOESSNER / ATMEL.**
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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United States Patent and Trademark Office
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FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

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AUG 3 1 2009

OFFICE OF PETITIONS

In re Application of :
Devang Shah et al. :
Application No. 11/607,593 : DECISION ON PETITION
Filed: December 1, 2006 : TO WITHDRAW
Attorney Docket No. 092888-3502 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed July 15, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 38706 has been revoked by the assignee of the patent application on August 18, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: HDC LLP
3239 El Camino Real, Suite 220
Palo Alto CA 94306

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HAYWORTH, CHANEY & THOMAS, P.A.
202 N. HARBOR CITY BLVD.
SUITE 300
MELBOURNE FL 32935

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SEP 0 5 2008

OFFICE OF PETITIONS

In re Application of :
Ryan Joseph **Szmidt** :
Application No. 11/607,644 : DECISION ON PETITION
Filed: December 1, 2006 :
Attorney Docket No. 05-3755 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 4, 2008, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned subsequent to applicant's failure to timely pay the required issue fee and publication fee within the statutory period of three months from the mailing of the Notice of Allowance. Accordingly, the petition became abandoned on December 26, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the issue fee of $720.00 and the publication fee of $300.00, (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay.

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. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Phyllis Spivack at 571-272-6052 or in her absence, the undersigned at (571) 272-7099.

This application is being referred to the Office of Data Management for further processing.

David Bucci
Petitions Examiner
Office of Petitions

cc: Robert A. Lynch
202 North Harbor City Blvd., Suite 300
Melbourne, Florida 32935

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

Mail Date: 04/20/2010

Applicant	: Yasuhiro Oshima	: DECISION ON REQUEST FOR
Patent Number	: 7594040	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/607,648	: 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 **216** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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THE PROCTER & GAMBER COMPANY
GLOBAL LEGAL DEPARTMENT –IP
SYCAMORE BUILDING – 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI OH 45202

MAILED

JAN 29 2010

OFFICE OF PETITIONS

In re Application of :
Charlie Reyes SALVADOR, et al :
Application No. 11/607,667 : ON PETITION
Filed: December 1, 2006 :
Attorney Docket No. 10049MR :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 5, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 23, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 24, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1110 extension of time fee submitted with the petition on November 5, 2009,

was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's Deposit Account No. 16-2480.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 1796 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Mail Date: 04/20/2010

Applicant	: Scott D. Cunningham	: DECISION ON REQUEST FOR
Patent Number	: 7632919	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/607,673	: 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/607,693	12/01/2006	Howard A. Fromson	FRO/206/US	1462

2543 7590 01/30/2009

ALIX YALE & RISTAS LLP
750 MAIN STREET
SUITE 1400
HARTFORD, CT 06103

EXAMINER	
EOFF, ANCA	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
01/30/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT and TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

1/29/09

In re Application of	:	
Howard A. Fromson et al	:	DECISION
Serial No.: 11/607,693	:	ON
Filed: December 1, 2006	:	PETITION
For: CO2 REACTION REDUCTION AT DEVELOPER SURFACE	:	UNDER 708.02, VI

This is in response to the petition filed December 1, 2006, requesting that the above identified application be granted Special Status under Section 708.02, VI of the MPEP and 37 CFR 1.102c.

The petition has been considered and found to comply with the requirements set forth under the above noted section. Accordingly, the petition is granted.

The petition to **GRANTED**.

William Krynski, Quality Assurance Specialist
Technology Center 1700
Chemical and Materials Engineering

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PITNEY BOWES INC.
35 WATERVIEW DRIVE
MSC 26-22
SHELTON CT 06484-3000

MAILED

OCT 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Todd C. Werner	:	
Application No. 11/607,694	:	DECISION ON PETITION
Filed: December 1, 2006	:	
Attorney Docket No. G-250	:	

This is a decision on the Request for Removal which is being treated as a petition under 37 CFR 1.59(b), filed May 9, 2008, to expunge information from the above identified application and as a request for refund under 37 CFR 1.26.

The petition is **dismissed**.

Petitioner requests that a document entitled Notice of Appeal, filed May 9, 2008, be expunged from the record.

The petition under 37 CFR 1.59(b) is deficient because the petition was not accompanied by the required fee under 37 CFR 1.17(g).

The request for refund is **dismissed.**

The request does not indicate that the fee was paid by mistake or in excess of that required.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6842.

Carl Friedman
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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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

COPY MAILED
MAR 08 2010

In re Application of	:	
Abtin Keshavarzian et al.	:	
Application No. 11/607,697	:	DECISION ON PETITION
Filed: November 30, 2006	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 11403/76	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 22, 2010 and supplemented January 29, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37

CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Carl Friedman at (571) 272-6842. 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 2618 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/607,697	11/30/2006	2618	1000	11403/76	20	3

CONFIRMATION NO. 2015

CORRECTED FILING RECEIPT

26646
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Date Mailed: 03/08/2010

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)

Abtin Keshavarzian, Palo Alto, CA;
Lakshmi Venkatraman, Mountain View, CA;
Dhananjay Lal, Mountain View, CA;

Power of Attorney: The patent practitioners associated with Customer Number 26646

Domestic Priority data as claimed by applicant

This application is a CIP of 11/239,837 09/30/2005 PAT 7,536,194

Foreign Applications

If Required, Foreign Filing License Granted: 12/22/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/607,697**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SYSTEM, METHOD AND APPARATUS EMPLOYING TONES AND/OR TONE PATTERNS TO INDICATE THE MESSAGE TYPE IN WIRELESS SENSOR NETWORKS

Preliminary Class

455

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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Heller Ehrman LLP
4350 La Jolla Village Drive, 7th Floor
San Diego, CA 92122

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OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Avi Ashkenazi, et al.	:	
Application No. 11/607,709	:	DECISION ON PETITION
Filed: November 30, 2006	:	TO WITHDRAW
Attorney Docket No. 39780-1216R1C1D3C1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 29, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Leslie B. Overman on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Avi Ashkenazi**
1 DNA Way
South San Francisco, CA 94080

cc: **Goodwin Procter LLP**
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park CA, 94025-1105

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/607,709	11/30/2006	Avi Ashkenazi	39780-1216R1C1D3C1

CONFIRMATION NO. 1380

25213
HELLER EHRMAN LLP
4350 La Jolla Village Drive, 7th Floor
San Diego, CA 92122

POWER OF ATTORNEY NOTICE

OC000000032359689

Date Mailed: 10/01/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/29/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052-6399

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DEC 20 2007

OFFICE OF PETITIONS

In re Application of :
Gennady Medvinsky et al. :
Application No. 11/607,720 : DECISION ON PETITION
Filed: December 01, 2006 :
Attorney Docket No. 317457.01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 26, 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 Non-Provisional Application (Notice), mailed December 28, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 1, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a signed oath or declaration, with the required $130.00 surcharge fee, (2) the petition fee of $1,500.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received September 26, 2007.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

MALCOLM J ROMANO
116 S CITRUS AVE
LOS ANGELES CA 90036

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JUL 31 2008

OFFICE OF PETITIONS

In re Application of	:	
Robinson et al.	:	
Application Number: 11/607781	:	ON PETITION
Filing Date: 12/02/2006	:	
Attorney Docket Number: DAK-001-PAT	:	

This is a decision in on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed on June 2, 2008.

The petition is **DISMISSED**.

This application became abandoned on November 1, 2007, for failure to timely submit a reply to the Notice to File Corrected Application Papers mailed on August 31, 2007, which set a two (2) month shortened period for reply. No extensions of time were obtained in accordance with 37 CFR 1.136(a). Notice of Abandonment was mailed on May 13, 2008.

Petitioner asserts that the Notice to File Corrected Application Papers mailed on August 31, 2007, was not received. In support, petitioner has supplied a docket listing all actions received, and has stated that the Notice to File Corrected Application Papers was not received. Further, petitioner has supplied a copy of the response to the Notice to File Corrected Application Papers mailed on December 26, 2006, filed by Express Mail on January 24, 2007 (Express Mail label enclosed).

A review of the record reveals the following:

1. On December 2, 2006, the application was filed.

2. On December 26, 2006, the Office of Patent Application Processing mailed a Notice to File Corrected Application papers, requiring replacement drawings in compliance with 37 CFR 1.84 and

1.121(d), and $100.00 in additional fees. A two (2) month period for reply was set.[1]

3. On August 31, 2007, the Office of Patent Application Processing mailed a Withdrawal of Previously Sent Notice and a Notice to File Corrected Application Papers, which set a two (2) month period for reply.

4. On May 13, 2008, Notice of Abandonment was mailed.

MPEP 711.03(c) states:

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and

[1] A review of Office financial records reveals that the $100.00 additional claim fee was received on January 24, 2007.

> that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> **A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.**
>
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).
>
> (emphasis added)

Although petitioner has provided a copy of a docket record, petitioner has not explained whether the docket record is the master docket for the firm. As stated above, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

As such, the showing of record is insufficient to withdraw the holding of abandonment. However, the petition is dismissed without prejudice to reconsideration pending submission of the information indicated above.

With regard to petitioners' inquiry as to whether a duplicate copy of the replacement drawings must be submitted, no duplicate copy of the replacement drawings is required if the required replacement drawings were previously filed in the Office.

The petition is **DISMISSED.**

Any request for reconsideration must be filed within **TWO (2) MONTHS** of the date of this decision. **This time period may not be extended.**[2]

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

---

[2] 37 CFR 1.181(f).

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MALCOLM J ROMANO
116 S CITRUS AVE
LOS ANGELES CA 90036

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SEP 25 2008

In re Application of :
Robinson et al. :
Application Number: 11/607781 : ON PETITION
Filing Date: 12/02/2006 :
Attorney Docket Number: DAK-001-PAT :

This is a decision on the "PETITION FOR RECONSIDERATION OF DISMISSAL OF PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181," filed on August 13, 2008.

The petition is **GRANTED**.

This application was held abandoned on November 1, 2007, for failure to timely submit a reply to the Notice to File Corrected Application Papers mailed on August 31, 2007, which set a two (2) month shortened period for reply. No extensions of time were obtained in accordance with 37 CFR 1.136(a). Notice of Abandonment was mailed on May 13, 2008.

The petition to withdraw the holding of abandonment filed on June 2, 2008, was dismissed on July 31, 2008.

Petitioner asserts that the Notice to File Corrected Application Papers mailed on August 31, 2007, was not received. In support, petitioner has supplied a docket listing all actions received, and has stated that the Notice to File Corrected Application Papers was not received. Further, petitioner has supplied a copy of the response to the Notice to File Corrected Application Papers mailed on December 26, 2006, filed by Express Mail on January 24, 2007 (Express Mail label enclosed).

Additionally, petitioner states that no master docket system is maintained, but that Office actions are entered on the application file folder jacket, a copy of which is submitted. The petition, signed by the practitioner, further states that a

search of the file jacket and application folders fails to uncover any trace whatsoever of the non-received Office correspondence.

Accordingly, the showing of record is that the Notice to File Corrected Application Papers mailed on August 31, 2007, was not received.

Accordingly, there was no abandonment in fact. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED.**

Receipt is acknowledged of the replacement drawings filed on June 2, 2008, with the initial petition in response to the Notice to File Corrected Application Papers. Accordingly, there is no need to remail the Notice to File Corrected Application papers mailed on August 31, 2007

The application is referred to the Office of Patent Application Processing for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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LADAS & PARRY, LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO, IL 60604

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MAR 3 1 2008

OFFICE OF PETITIONS

In re Application of :
Chan-Won Park, et. al. :
Application No. 11/607,784 : DECISION GRANTING
Filed: November 30, 2006 : PETITION
Attorney Docket No. CU-5300 WWP :

This is a decision on the petition filed on April 30, 2007, requesting that the above-identified application be accorded a filing date of November 30, 2006, rather than the presently accorded date of November 29, 2006.

Petitioner requests the later filing date on the basis that the application was purportedly deposited with Express Mail Service on November 30, 2006. The copy of Express Mail label receipt No. EV 871548826 US bears a handwritten "date-in" of November 29, 2006. Petitioner is alleging that the date of mailing shown in the "date-in" is a U. S. Postal Service (USPS) error and the correct date of mailing, pursuant to 37 CFR 1.10, is November 30, 2006. It is also noted that the Application Transmittal Letter contained the same Express Mail label number.

In view of the incorrect date on the label, petitioner provided the Office with a copy of the USPS' Express Mail Track and Confirm database, which confirms that the package bearing Express Mail label No. EV 871548826 US was accepted on November 30, 2006; therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing (OPAP) for correction of the filing date to **November 30, 2006, and for issuance of a corrected filing receipt.**

Telephone inquiries relating to this decision should be directed to Andrea Smith at (571) 272-3226. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4000.

Andrea Smith
Petitions Examiner
Office of Petitions

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TECHNOLOGY CENTER 3600

Law Offices of Brian S. Steinberger
101 Brevard Avenue
Cocoa, FL 32922

In re application of
Joseph R. Moody et al.
Application No. 11/607,793
Filed: December 1, 2006
For: CANTING VERTICAL FORE GRIP WITH BIPOD

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the petition filed on November 28, 2007 to make the above-identified application special for Infringement under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The petition to make special for Infringement under 37 C.F.R. § 1.102(d) is not acceptable at least because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on November 28, 2007, the petition must be considered under the new guidelines and thus is properly **DENIED**.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 12/2/07

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THELEN, REID, BROWN, RAYSMAN & STEINER, LLP
P. O. BOX 640640
SAN JOSE, CA 95164-064

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JUN 12 2008

OFFICE OF PETITIONS

In re Application of :
Brian C. Keller, et al. :
Application No. 11/607,830 : DECISION ON PETITION
Filed: November 30, 2006 : TO WITHDRAW
Attorney Docket No. BETA-0001 (060267-002) : FROM RECORD
:

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, 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 David B. Ritchie on behalf of all attorneys of record who are associated with customer No. 46188.

All attorneys/agents associated with the Customer Number 46188 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: BRIAN C. KELLER
2507 BROCKET COURT
ANITOCH, CA 94509

cc: LEE PEDERSON
4610 CASCADE LANE
EDINA, MN 55436

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/607,830	11/30/2006	Brian C. Keller	BETA-0001 (060267-002)

CONFIRMATION NO. 8521

POWER OF ATTORNEY NOTICE

46188
THELEN REID BROWN RAYSMAN & STEINER LLP
P. O. BOX 640640
SAN JOSE, CA 95164-0640

Date Mailed: 06/12/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/13/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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OFFICE OF PETITIONS

THE SMALL PATENT LAW GROUP LLP
225 S. MERAMEC, STE. 725T
ST. LOUIS MO 63105

In re Application of	:	
Moon et al.	:	
Application No. 11/607,837	:	DECISION ON PETITION
Filing Date: November 30, 2006	:	PURSUANT TO
Attorney Docket No.: IP-0025A-US (830-25US2)	:	37 C.F.R. § 1.78(A)(3)
Title: HYBRID RANDOM BEAD/CHIP BASED MICROARRAY	:	

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.78 FOR UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY," filed on July 22, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed non-provisional application 10/763,995, set forth in an amendment to the specification that was filed concurrently with this petition. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.78(a)(3).

This petition pursuant to 37 C.F.R. § 1.78(a)(3) is **GRANTED.**

A petition for acceptance of a claim for late priority pursuant to 37 C.F.R. § 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. § 1.78(a)(2)(ii). In addition, the petition pursuant to 37 C.F.R. § 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2)(i) of the prior-

filed applications, unless previously submitted;

(2) the surcharge set forth in 37 C.F.R. § 1.17(t), and;

(3) a statement that the entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

37 C.F.R. § 1.78(a)(3)(iii) requires a statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date the claim was filed was unintentional.

Since the statement contained in this renewed petition varies slightly from the language required by 37 C.F.R. § 1.78(a)(3)(iii), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.78(a)(3)(iii), and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

Petitioner has included the petition fee, an amendment to the specification, and a statement that is being construed as the proper statement of unintentional delay.

All of the above requirements having been satisfied, the late claim for priority pursuant to 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of this petition to accept the delayed benefit claim to the prior-filed application pursuant to 37 C.F.R. § 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 C.F.R. §§ 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 2877 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.

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[1]

Anthony Knight
Supervisor
Office of Petitions

Encl. Corrected Filing Receipt

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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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
11/607,837	11/30/2006	2877	1700	IP-0025A-US (830-25US2)	21	1

CONFIRMATION NO. 8972

38790
THE SMALL PATENT LAW GROUP LLP
225 S. MERAMEC, STE. 725T
ST. LOUIS, MO 63105

CORRECTED FILING RECEIPT

Date Mailed: 09/15/2009

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)

John Moon, Wallingford, CT;
Alan D. Kersey, South Glastonbury, CT;
Martin A. Putnam, Cheshire, CT;
Tuo Li, East Lyme, CT;

Assignment For Published Patent Application

CyVera Corporation

Power of Attorney: The patent practitioners associated with Customer Number 38790

Domestic Priority data as claimed by applicant

This application is a CON of 10/763,995 01/22/2004 PAT 7,164,533
which claims benefit of 60/441,678 01/22/2003
and claims benefit of 60/519,932 11/14/2003
and is a CIP of 10/661,234 09/12/2003 PAT 7,106,513
and is a CIP of 10/661,031 09/12/2003 PAT 7,349,158
and is a CIP of 10/661,836 09/12/2003 PAT 7,399,643

Foreign Applications

If Required, Foreign Filing License Granted: 01/17/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/607,837**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Hybrid random bead/chip based microarray

Preliminary Class

356

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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THE SMALL PATENT LAW GROUP LLP
225 S. MERAMEC, STE. 725T
ST. LOUIS, MO 63105

Mail Date: 04/20/2010

Applicant	: John Moon	: DECISION ON REQUEST FOR
Patent Number	: 7659983	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/607,837	: 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 **540** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS, TX 75201-4761

Mail Date: 04/21/2010

Applicant	: Axel Jager	: DECISION ON REQUEST FOR
Patent Number	: 7642792	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/607,839	: 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 **263** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of	:	
Hidenobu et al	:	DECISION ON REQUEST TO
Application No. 11/607900	:	PARTICIPATE IN PATENT
Filed: December 4, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 061352-0149	:	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 February 2, 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:

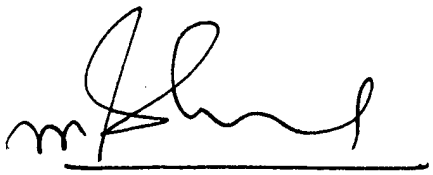
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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 Ram R. Shukla at 571-272-0735.

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.



Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of	:	
Hidenobu et al	:	DECISION ON REQUEST TO
Application No. 11/607907	:	PARTICIPATE IN PATENT
Filed: December 4, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 061352-0150	:	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 February 2, 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:

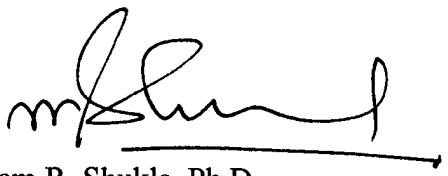
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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 Ram R. Shukla at 571-272-0735.

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.



Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1/29/09

TO SPE OF : ART UNIT 1637

SUBJECT : Request for Certificate of Correction for Appl. No.: 11607907 Patent No.: 7396648 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

Lamonte M. Newsome
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

/Gary Benzion/ SPE AU1637

SPE Art Unit

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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Erik Preiholt	: DECISION ON REQUEST FOR
Patent Number	: 7574987	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/607,918	: 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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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

Mail Date: 04/26/2010

Applicant	: Thomas Backensfeld	: DECISION ON REQUEST FOR
Patent Number	: 7569557	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/607,919	: OF WYETH
Filed	: 12/04/2006	:
		:

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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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Akihiro Fujii	: DECISION ON REQUEST FOR
Patent Number	: 7590349	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/607,926	: 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 **458** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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5-27-09

Patent No. : 7,533,328 B2
Ser. No. : 11/607,945
Inventor(s) : Idan Alrod et.al.
Issued : May 12, 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

Mark M. Friedman
C% Discovey Dispatch
9003 Flirin Way
Upper Marlboro, MD 20772

ej

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MARK M. FRIEDMAN
C/O DISCOVEY DISPATCH , 9003 FLIRIN WAY
UPPER MARLBORO MD 20772

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DEC 2 2 2009

OFFICE OF PETITIONS

In re Patent No. 7,533,328

Issue Date: May 12, 2009

Application No. 11/607,945

Filed: December 4, 2006

Attorney Docket No. **4168/14**

ON PETITION

This is a decision on the petition filed July 9, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee data on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **dismissed**.

Petitioner must remit the fee for the certificate of correction of $100.00. The surcharge for the petition of $130.00 is of record. It is noted that a payment of $100.00 was made on May 17, 2009, however, the amount was credited back to the deposit account on that same day. Petitioner may file a renewed petition with the $100.00 fee or authorize a deposit account to be charged for the same.

The renewed request may directed to the following:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

Questions regarding this decision may be directed to the undersigned at (571)272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] See *Official Gazette* of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Jan-09

Mark Levy
HINMAN, HOWARD & KATTELL, LLP
80 Exchange Street
P.O. Box 5250
BINGHAMTON NY 13901

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JAN 21 2009

OFFICE OF PETITIONS

In re Application of :
Chan et al. :
Application Number: 11/607973 :
Filing Date: 12/04/2006 : ON PETITION
Attorney Docket Number: EI-2-06-010 :

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on January 8, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on October 15, 2008, for failure to timely submit the issue and publication fees as required by the Notice of Allowance and Fee(s) Due mailed on July 14, 2008, which set a three (3)-month statutory period for reply. Notice of Abandonment was mailed on November 7, 2008.

Receipt of the issue and publication fees is acknowledged.

The application is referred to the Office of Data Management for processing into a patent.

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10-08-09

TO SPE OF : ART UNIT 2612

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/607997 Patent No.: 7561043

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Angela Green 703-756-1541
Certificates of Correction Branch
703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

/Benjamin C. Lee/ 2612
SPE **Art Unit**

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United States Patent and Trademark Office
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www.uspto.gov

HARRITY & HARRITY, LLP
11350 Random Hills Road
SUITE 600
FAIRFAX VA 22030

MAILED

MAR 0 8 2010

OFFICE OF PETITIONS

In re Application of :
Rinji Sugino et al. :
Application No. 11/608,032 : DECISION ON PETITION
Filed: December 07,2006 :
Attorney Docket No. AF01989 :

This is a decision on the petition, under 37 CFR 1.137(b) filed on December 22, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 31,2008. 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 July 1, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $ 810, and the submission required by 37 CFR 1.114; (2) the petition fee of $ 1620; and (3) a proper statement of unintentional delay.

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

Application No. 11/608,032

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to Tammara Peyton at (571) 272-6052 or in his absence to the undersigned at (571) 272-3217.

The Application is being referred to Art Unit 2892 for further processing.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AWAMBA INC.
31 Hillside Ave
Stoneham MA 02180

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SEP 2 4 2007

OFFICE OF PETITIONS

In re Application of :
Wolfgang Lindner :
Application No. 11/608,041 : ON PETITION
Filed: 12/07/2006 :
Title: APPARATUS AND METHOD FOR :
INTERPRETATION AND ENRICHMENT :
OF DOCUMENTS AND EXCHANGE :
THEREOF :

This is in response to the petition under 37 CFR 1.47(a), filed April 22, 2007. Applicant obtained an extension of time for response within the first month. Accordingly, applicant filed the present petition in a timely manner.

The Office cannot accept the petition under 37 CFR 1.47(a) because applicant failed to comply with the signature requirement. The S-signature on the petition is improper because no name is provided. Specifically, the signer's name does not appear in printed or typed form preferably immediately below or adjacent to the S-signature.

Pursuant to 37 CFR 1.4(d)(2):

(i) The S-signature must consist only of letters, or Arabic numerals, or both, with appropriate spaces and commas, periods, apostrophes, or hyphens for punctuation, and the person signing the correspondence must insert his or her own S-signature with a first single forward slash mark before, and a second single forward slash mark after, the S-signature (*e.g.*, /Dr. James T. Jones, Jr./)

...

(iii) The signer's name must be:
(A) Presented in printed or typed form preferably immediately below or adjacent the S-signature, and
(B) Reasonably specific enough so that the identity of the signer can be readily recognized.

An example of a compliant (and acceptable) S-signature by an applicant is as follows: Note: the example includes: (1) an S-signature, (2) between forward slash marks, and (3) a Name.

/Dr. James T. Jones, Jr./
Dr. James T. Jones, Jr.

Consequently, the Office will not address the present petition on the merits until applicant files a petition signed by an appropriate person in compliance with 37 CFR 1.4. The petition is dismissed.

As applicant is acting *pro se*, and in the interest of time, the Office notes the declaration submitted on December 7, 2006, lists only one inventor, Wolfgang Lindner; however, the Application Data Sheet identifies two inventors, Wolfgang Lindner and Clemens H. Cap. Furthermore, the declaration filed on April 22, 2007, lists only Clemens H. Cap as the sole inventor.

Pursuant to 37 CFR 1.76(d)(3), a declaration under 37 CFR 1.63 or 37 CFR 1.67 governs inconsistencies with the application data sheet in the naming of inventors and setting forth their citizenship. Therefore, if different inventors are listed in the application data sheet than are named in the declaration for the application, the inventors named in the declaration are considered to be the inventors named in the patent application. See 37 CFR 1.76(d)(3) and MPEP 601. Any change in the inventorship set forth in the declaration under 37 CFR 1.63 must be by way of a request under 37 CFR 1.48(a) notwithstanding identification of the correct inventive entity in an application data sheet. See MPEP 601.

In this instance, pursuant to 37 CFR 1.76(d)(3), Wolfgang Lindner is considered to be the sole inventor named in this application, as he was the only inventor named in the first executed declaration. Therefore, Clemens H. Cap is not considered a joint inventor in this application. In order to correct the inventorship to name both Lindner and Cap as joint inventors, applicant must file a request under 37 CFR 1.48(a) (and $130.00 fee).

In this case, 37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

(1) A request to correct the inventorship that sets forth the desired inventorship change;

(2) A statement from the person being added as an inventor that the error in inventorship occurred without deceptive intention on his part;

(3) An oath or declaration by the actual inventors as required by § 1.63 or as permitted by **§ 1.47**;

(4) The processing fee set forth in § 1.17(i) ($130.00); and

(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (**accompanied by a statement under 37 CFR 3.73(b)**).

If Cap refuses to submit a statement under § 1.48(a)(2) (reprinted above) or if he cannot be reached, a waiver under 37 CFR 1.183 of the requirement for a statement that the error in inventorship occurred without deceptive intention on his part would be appropriate upon a showing of such refusal or inability to reach the inventor. Additionally, every existing assignee of the original named inventors must give its consent to the requested correction.

In summary, applicant should submit the following: (1) a request under 37 CFR 1.48(a) with a $130.00 fee;[1] (2) a "renewed" petition under 37 CFR 1.47(a) signed in compliance with 37 CFR 1.4(d)(2) (no additional fee is required for filing the petition under 37 CFR 1.47(a));[2] (3) a declaration signed by the available inventors, which identifies the correct inventive entity by inventors' names, residences, post office addresses, and citizenships.

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

[1] As previously stated, if Cap refuses to submit a statement under 37 CFR 1.48(a)(2) or cannot be reached, applicant must file an additional petition under 37 CFR 1.183 to waive 37 CFR 1.48(a)(2) (accompanied by a $400.00 fee).

[2] No "renewed" petition under 37 CFR 1.47(a) is necessary if Cap signs the declaration under 37 CFR 1.63. Additionally, the $200.00 petition fee would be refunded.

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

Applicant may also file correspondence to the USPS electronically.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosures (3)

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

AWAMBA INC.
31 Hillside Ave
Stoneham MA 02180

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JAN 23 2008

OFFICE OF PETITIONS

In re Application of :
Wolfgang Lindner :
Application No. 11/608,041 : ON PETITION
Filed: 12/07/2006 :
Title: APPARATUS AND METHOD FOR :
INTERPRETATION AND ENRICHMENT :
OF DOCUMENTS AND EXCHANGE :
THEREOF :

This is in response to the request under 37 CFR 1.48(a), filed January 14, 2008, to correct the inventorship.

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

(1) A request to correct the inventorship that sets forth the desired inventorship change;

(2) A statement from the person being added as an inventor that the error in inventorship occurred without deceptive intention on his part;

(3) An oath or declaration by the actual inventors as required by § 1.63 or as permitted by § 1.47;

(4) The processing fee set forth in § 1.17(i); and

(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (accompanied by a statement under 37 CFR 3.73(b)).

The petition lacks item (5) above.

The written consent of every existing assignee of the original named inventors must be submitted. 37 CFR 1.48(a)(5). Furthermore, the individual signing on behalf of the assignee giving its consent to the requested inventorship correction, should specifically state that he or she

has the authority to act on behalf of the assignee. MPEP 201.03(II)(D). In the absence of such a statement, the consent will be accepted if it is signed by an appropriate official of the assignee (e.g., president, vice president, secretary, treasurer, or derivative thereof) if the official's title has been made of record. Id. A general statement of authority to act for the assignee, or on the specific matter of consent, or the appropriate title of the party signing on behalf of the assignee should be made of record in the consent. Id.

Petitioner stated that he enclosed the written consent of the assignee with the present petition; however, it was not located among the papers submitted with the petition. However, the Office acknowledges receipt of the Statement under 37 CFR 3.73(b) with the petition. Petitioner is required to submit the written consent of the assignee to the requested correction of the inventorship as set forth in 37 CFR 1.48(a)(5) and MPEP 201.03(II)(D).

Accordingly, the petition is **dismissed**. Petitioner may submit a request for reconsideration of this decision, accompanied by the written consent of the assignee,[1] 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 1.48(a)." No additional petition fee is required.

Petitioner requested that the Office apply the $200.00 fee paid on April 22, 2007, toward the $130.00 processing fee currently due, and to refund the difference of $70.00. Additionally, petitioner explained that on March 22, 2007, he filed a request for an extension of time for response within the first month with a fee of $120.00. Petitioner asserted that he was entitled to small entity status, and therefore, paid the extension of time fee in excess of the small entity fee of $60.00. Petitioner also requested a refund of the $60.00 overpayment.

The total amount of $130.00 will be refunded to petitioner's credit card in due course.

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

[1] Petitioner is not required to submit an additional Statement Under 37 CFR 3.73(b), as it is already of record.

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

Petitioner may also file correspondence to the USPS electronically.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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31 Hillside Ave
Stoneham MA 02180

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FEB 11 2008

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Wolfgang Lindner :
Application No. 11/608,041 :
Filed: 12/07/2006 :
Title: APPARATUS AND METHOD FOR INTERPRETATION AND ENRICHMENT OF DOCUMENTS AND EXCHANGE THEREOF :

This is in response to the renewed request under 37 CFR 1.48(a), filed January 31, 2008, to correct the inventorship.

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

(1) A request to correct the inventorship that sets forth the desired inventorship change;

(2) A statement from the person being added as an inventor that the error in inventorship occurred without deceptive intention on his part;

(3) An oath or declaration by the actual inventors as required by § 1.63 or as permitted by § 1.47;

(4) The processing fee set forth in § 1.17(i); and

(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (accompanied by a statement under 37 CFR 3.73(b)).

In view of the papers filed on petition, the Office concludes that the above-identified application, as filed, through error and without deceptive intent, improperly set forth the inventorship. As applicants have met the requirements of 37 CFR 1.48(a), the petition is **granted**. The inventorship of this application has been changed to add Clemens H. Cap as a joint inventor.

The Office of Petitions has added Dr. Cap as a joint inventor in the USPTO computer records and printed a new bibliographic data sheet, which will be scanned into the Image File Wrapper. A corrected filing receipt, reflecting the requested change, accompanies this decision.

This matter is being referred to Technology Center 2165 for examination in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

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
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/608,041	12/07/2006	2165	1415		57	2

CONFIRMATION NO. 8641

CORRECTED FILING RECEIPT

58801
AWAMBA INC.
31 Hillside Ave
Stoneham, MA 02180

OC000000028208393

Date Mailed: 02/08/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Wolfgang Lindner, Eisfeld, GERMANY;
Clemens H. Cap, Rostock, GERMANY;

Assignment For Published Patent Application

Awamba Inc., Cambridge, MA

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/597,578 12/12/2005

Foreign Applications

If Required, Foreign Filing License Granted: 01/23/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/608,041**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Apparatus and method for interpretation and enrichment of documents and exchange thereof

Preliminary Class

707

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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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	: Russell J. Heeter	: DECISION ON REQUEST FOR
Patent Number	: 7599164	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/608,050	: 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 **312** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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.
11/608,091	12/07/2006	Hideaki Komatsu	JP920050158US1	8731

27431 7590 09/23/2008
SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE, CA 92618

EXAMINER	
ALVESTEFFER, JASON L	
ART UNIT	**PAPER NUMBER**
2169	

MAIL DATE	DELIVERY MODE
09/23/2008	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

MAILED

SEP 23 2008

TECHNOLOGY CENTER 2100

Commissioner for Patents
United States Patent and Trademark Office
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SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE CA 92618

In re Application of: KOMATSU et al
Application No. 11/608,091
Filed: December 7, 2006
For: SYSTEM FOR PREFETCHING DATA NECESSARY TO EXECUTE PROGRAM FROM DATABASE

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 11, 2008, to make the above-identified application special.

The petition is **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 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 Mano Padmanabhan at 571-272-4210.

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.

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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GONZALES PATENT SERVICES
4605 CONGRESS AVE. NW
ALBUQUERQUE NM 87114

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NOV 23 2009

OFFICE OF PETITIONS

In re Application of
Andrew Stephen Van Luchene
Application No. 11/608,150
Filed: December 7, 2006
Attorney Docket No. 3202104

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 CFR § 1.36(b) 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.

The request was signed by Ellen Gonzales on behalf of all attorneys of record who are associated with the Customer Number 55297.

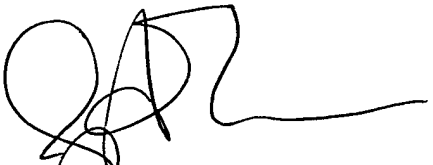
All attorneys/agents associated with Customer Number 55297 have been withdrawn.

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 an outstanding Office action mailed November 4, 2009, 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
Leviathan Entertainment, Inc.
1012 Marquez Pl.
#205a
Santa Fe, NM 87505

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/608,150	12/07/2006	Andrew Stephen Van Luchene	3202104

CONFIRMATION NO. 8834

POWER OF ATTORNEY NOTICE

52297
GONZALES PATENT SERVICES
4605 CONGRESS AVE. NW
ALBUQUERQUE, NM 87114

Date Mailed: 11/23/2009

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.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MAILED

MAY 2 1 2010

OFFICE OF PETITIONS

ANDREW VAN LUCHENE
1677 CERRO GORDO
SANTA FE, NM 87501

In re Application of :
Andrew Stephen Van Luchene et al :
Application No. 11/608,150 : DECISION ON PETITION
Filed: December 7, 2006 : TO WITHDRAW
Attorney Docket No. 3202104 : FROM RECORD
:

This is a decision on the Supplemental Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 1, 2010 and resubmitted on April 26, 2010.

The request is **APPROVED**.

The request was signed by Ellen Gonzales on behalf of all the practitioners of record and the practitioners associated with Customer Number 52297.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Andrew Van Luchene at the first address listed below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Andrew Van Luchene
1012 Marquez Pl #205a
Santa Fe, NM 87505

cc: Ellen Gonzales
4605 Congress Ave. NW
Albuquerque, NM 87114

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/608,150	12/07/2006	Andrew Stephen Van Luchene	3202104

CONFIRMATION NO. 8834

75899
ANDREW VAN LUCHENE
1677 CERRO GORDO
SANTA FE, NM 87501

POWER OF ATTORNEY NOTICE

Date Mailed: 05/20/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/01/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/608,150	12/07/2006	Andrew Stephen Van Luchene	3202104

CONFIRMATION NO. 8834

Andrew Van Luchene
1012 Marquez Pl #205a
Santa Fe, NM 87505

POA ACCEPTANCE LETTER

OC00000004691063

Date Mailed: 05/20/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/01/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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GEOREIS
1220-87 F TASMAN DR.
SUNNYVALE, CA 94089

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APR 25 2008

OFFICE OF PETITIONS

In re Application of :
Hannes Georges Zuercher :
Application No. 11/608,155 : ON PETITION
Filed: December 7, 2006 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(b), filed December 10, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To Filed Corrected Application Papers (Notice) mailed January 19, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 20, 2007.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: John Robert Lovell	: DECISION ON REQUEST FOR
Patent Number	: 7575581	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/608,156	: 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 **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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JUN 23 2008

DAVIS WRIGHT TREMAINE LLP/PORTLAND
1300 S.W. FIFTH AVENUE
SUITE 2300
PORTLAND, OR 97201-5630

In re Application of	:	
Martin RENAUD	:	
Application No. 11/608,186	:	DECISION ON PETITION
Filed: December 7, 2006	:	TO WITHDRAW
Attorney Docket No. 607838001US1	:	FROM RECORD
	:	

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 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 William A. Birdwell on behalf of all attorneys/agents associated with Customer No. 74640.

All attorneys/agents associated with Customer No. 74640 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: COGNETO LTD.,
ATTN: ADRIAN BEESTON
15 POLAND AVENUE, THIRD FLOOR
WIF 8QE
LONDON, UNITED KINGDOM

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PERKINS COIE, LLP
PATENT-SEA
PO BOX 1247
SEATTLE, WA 98111-1247

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JAN 13 2009

In re Application of :
Martin Renaud :
Application No. 11/608,186 : DECISION ON PETITION
Filed: December 7, 2006 : TO WITHDRAW
Attorney Docket No. : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 10, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Perkins Coie, LLP has been revoked by the assignee of the patent application on March 17, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: COGNETO LTD.
ATTN: ADRIAN BEESTON
15 POLAND AVENUE, THIRD FLOOR
WIF 8QE
LONDON GB UNITED KINGDOM

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SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

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MAR 30 2007

OFFICE OF PETITIONS

In re Application of
George H. Heaven Jr. et al.
Application No. 11/608,198
Filed: December 7, 2006
Attorney Docket No.: **44243-0417**

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed December 7, 2006, to change the order of the names of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. George H. Heaven Jr.
2. Michael K. Walden

A corrected filing receipt reflecting the correct order of the names of the inventors is attached.

This matter is being referred to Technology Center 3644 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/608,198	12/07/2006	3644	450	44243-0417	21	3

CONFIRMATION NO. 8926

CORRECTED FILING RECEIPT

OC000000023176122

21611
SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

Date Mailed: 03/29/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

George H. Heaven JR., North Las Vegas, NV;
Michael K. Walden, North Las Vegas, NV;

Power of Attorney: The patent practitioners associated with Customer Number **21611**.

Domestic Priority data as claimed by applicant

This application is a DIV of 10/872,743 06/21/2004 PAT 7,185,848

Foreign Applications

If Required, Foreign Filing License Granted: 01/23/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/608,198

Projected Publication Date: 05/03/2007

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

MASS TRANSFER SYSTEM FOR STABILIZING AN AIRSHIP AND OTHER VEHICLES SUBJECT TO PITCH AND ROLL MOMENTS

Preliminary Class

244

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/608,200	12/07/2006	Matthew J. Scanlon	WWCI0015.005	8937

26629 7590 05/06/2010

ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ZPS)
136 S WISCONSIN ST
PORT WASHINGTON, WI 53074

EXAMINER
KIM, JOHN K

ART UNIT	PAPER NUMBER
2834	

NOTIFICATION DATE	DELIVERY MODE
05/06/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@zpspatents.com
rlt@zpspatents.com
klb@zpspatents.com

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ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ZPS)
136 S WISCONSIN ST
PORT WASHINGTON WI 53074

In re Application of:	:	
SCANLON, Matthew J.	:	DECISION ON PETITION
Serial No.: 11/608,200	:	UNDER 37 CFR § 1.181
Filed: December 07, 2006	:	
Docket No.: **WWCI0015.005**	:	

This is a decision on petition under 37 CFR § 1.181 filed November 12, 2009 to invoke supervisory review of the drawing objections to Figs 1, 3, 5, and 7.

The petition is **GRANTED.**

The record reflects that:

- On April 21, 2008 a non-final Office action was mailed objecting to the original drawings for several formalities; objecting to original drawings under 37 CFR 1.83(a); rejecting claims 1, 10, 14, and 19 under 35 USC 112, second paragraph; rejecting claims 1-3, 7, 9, 18-19, 21-24, 26 under 35 USC 102(b); and rejecting claims 4-6, 8, 10-14, 15-17, 20, 25 under 35 USC 103(a).
- On July 21, 2008, applicants filed amendment to the claims, drawings and specification. On October 31, 2008, a final Office action was mailed objecting to the drawings; rejecting to claims 1, 10, 14, and 19 under 35 USC 112, second paragraph; rejecting claims 1-3, 7, 9, 18-19 and 26 under 35 USC 102(b); rejecting claims 21-24 under 35 USC 102(e); and rejecting claims 4-6, 8, 10-14, 15-17, 20, and 25 under 35 USC 103.
- On December 24, 2008, applicants filed a proposed amendment under 37 CFR 1.116 to claim 1 and to specification. On January 16, 2009 an interview summary was mailed.
- On January 26, 2009, a non-final Office action was mailed objecting to the drawings; objecting to claim 25 for informalities; and rejecting claims 1-26 under 35 USC 103.
- On April 27, 2009, applicants filed amendment to claims 1, 9, and 26 and a response.
- On June 11, 2009, a final Office action was mailed objecting to original drawings; rejecting claims 1, 6, 10, 19, 26 under 35 USC 112, second paragraph; rejecting

claims 1-3 and 8-9 under 35 USC 102(b); and rejecting claims 4-7, 10-26 under 35 USC 103.

- On August 21, 2009, an interview summary was mailed.
- On September 11, 2009, applicants filed a notice of appeal.
- On November 12, 2009, applicants filed a petition for supervisory review under 35 CFR 1.181 requesting consideration of the drawing objection made on January 26, 2009 and appeal brief.

Applicant argues that (1) a reference and/or scale for the axes of a graph are not required by the MPEP and are not needed for one of ordinarily skill in the art to readily understand the subject matter of the Figs. 1, 3, 5, and 7; (2) MPEP 608.01 relates to the Specification (i.e., the written description), not the drawings; and (3) MPEP 704.11 relates to information which may be required under 37 CFR 1.105.

35 USC 113 states:

"The applicant shall furnish a drawing where necessary for the understanding of the subject matter to be patented."

For the above reasons, the petition to withdraw the drawing objections to Figs 1, 3, 5, and 7 as not being necessary for the understanding of the subject matter to be patented has been granted.

The application is being forwarded to Board of Patent Appeals and Interferences for decision on the appeal.

Telephone inquires should be directed to Quyen Leung at (571) 272-8188.

John Cabeca, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 06/10/2010

Applicant	: Marwan A. Jabri	: DECISION ON REQUEST FOR
Patent Number	: 7672322	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/608,209	: 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090910

DATE : September 10, 2009

TO SPE OF : ART UNIT 2816

SUBJECT : Request for Certificate of Correction on Patent No.: 7579886

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

New drawings are approved.

SPE: /Lincoln Donovan/ **Art Unit** 2816

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090910

DATE : September 29, 2009

TO SPE OF : ART UNIT 2816

SUBJECT : Request for Certificate of Correction on Patent No.: 7579886

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

New drawings are approved.

SPE: /Lincoln Donovan/ **Art Unit** 2816

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Fulbright and Jaworski, LLP
555 S. Flower Street, 41st Floor
Los Angeles, CA 90071

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DEC 0 5 2007

OFFICE OF PETITIONS

In re Application of :
Thomas C. Taylor et al. :
Application No. 11/608,221 : DECISION ON PETITION
Filed: December 7, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. LA-7790-101/10610487 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 7, 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 statements by the applicants. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3644 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

Mail Date: 04/20/2010

Applicant	: Jackson Chiang	: DECISION ON REQUEST FOR
Patent Number	: 7615024	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/608,223	: 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 **314** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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AFFYMETRIX, INC
ATTN: CHIEF IP COUNSEL, LEGAL DEPT.
3420 CENTRAL EXPRESSWAY
SANTA CLARA, CA 95051

Mail Date: 04/20/2010

Applicant	: Jing Huang	: DECISION ON REQUEST FOR
Patent Number	: 7634363	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/608,233	: 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 **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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/608,255	12/08/2006	Hirotaka Unno	300299US2S CONT	9049

7590 03/31/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
ARORA, AJAY	

ART UNIT	PAPER NUMBER
2892	

NOTIFICATION DATE	DELIVERY MODE
03/31/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 03/27/2008 KKING1
12/08/2006 INTEFSW 00001090 11608255
02 FC:1111 -500.00 OP

Refund Ref:
03/27/2008 0030052917

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1006

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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

MAILED

APR 22 2009

OFFICE OF PETITIONS

In re Application of
Matzke et al.
Application No. 11/608,287
Filed: December 8, 2006
Attorney Docket No. 075460.0117

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 13, 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 Keiko Ichiye, on behalf of all attorneys of record who are associated with Customer Number 05073.

All attorneys/agents associated with the Customer Number 05073 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed December 29, 2008, that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to Alicia Kelley at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: RANDALL D. MILES, PRESIDENT
SYNGENCE LLC
5151 BELT LINE ROAD
SUITE 1100
DALLAS, TX 75254

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/608,287	12/08/2006	Douglas J. Matzke	075460.0117

CONFIRMATION NO. 9108

POWER OF ATTORNEY NOTICE

5073
BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

OC000000035615277

Date Mailed: 04/23/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/13/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/608,287	12/08/2006	Douglas J. Matzke	075460.0117

CONFIRMATION NO. 9108

POWER OF ATTORNEY NOTICE

5073
BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

OC000000035615277

Date Mailed: 04/23/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/13/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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OSLER, HOSKIN & HARCOURT LLP (BRP)
2100 - 1000 DE LA GAUCHETIERE ST. WEST
MONTREAL, QC H3B4W5
CANADA

Mail Date: 04/20/2010

Applicant	: Fritz EINBOECK	: DECISION ON REQUEST FOR
Patent Number	: 7669686	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/608,314	: OF WYETH
Filed	: 12/08/2006	:
		:

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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MAY 02 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

IBM CORPORATION
3039 CORNWALLIS RD.
DEPT. T81 / B503, PO BOX 12195
REASEARCH TRIANGLE PARK NC 27709

In re Application of
AKAHANE, EIJU, et al.
Application No. 11/608,368
Filed: December 8, 2006
Attorney Docket No. JP9200500131US1

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 22, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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Alexandria, VA 22313-1450
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MCDONNELL, BOEHNEN, HULBERT & BERGHOFF, LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

MAILED

MAR 05 2009

OFFICE OF PETITIONS

In re Application of	:	
Jonathon Fischer, et al.	:	
Application No. 11/608,396	:	DECISION GRANTING PETITION
Filed: December 8, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 03-1052-A	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 3, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February12, 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.

This application is being referred to Technology Center AU 2123 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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WOODCOCK, WASHBURN, LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

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OFFICE OF PETITIONS

In re Application of
Richard Evan Gelinas et al.
Application No. 11/608,408
Filed: December 8, 2006
Attorney Docket No. CELI-0322(A0018)

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Requests to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 11, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The 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, "Woodcock Washburn no longer represents this client," does not meet any of the conditions set forth in 37 CFR 10.40.

A courtesy copy of this decision is being mailed to applicant.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no pending Office actions at this time.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.

Kimberly Inabinet

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Richard Evan Gelinas
2508 34th Avenue South
Seattle, WA 98144

cc: Michael S. Greenfield
McDonnell, Boehnen, Hulbert &
Berghoff, LLP
300 South Wacker Drive
Chicago, IL 60606

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OFFICE OF PETITIONS

CHRIS A. CASEIRO
VERRILL DANA, LLP
ONE PORTLAND SQUARE
PORTLAND ME 04112-0586

In re Application of	:	
Langis	:	
Application No. 11/608,446	:	DECISION
Filed/Deposited: 8 December 2006	:	
Attorney Docket No. LAN-001	:	

This is a decision on the petition filed 15 February 2007, seeking to have accorded a filing date of 8 December 2006, for the above-identified application based upon a showing that the omitted drawings/figures were present in the prior-filed co-pending provisional application to which this application claimed benefit (under 37 C.F.R. §1.78) on filing.

For the reasons stated herein, the petition is **DISMISSED**.

Application papers in the above-identified application were deposited on 8 December 2006.

On 3 January 2007, the Office mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing date because it had been deposited without drawing as required under 35 U.S.C. §113 (first sentence). The Office indicated that Petitioner could demonstrate on petition the presence of the drawings/figures by presentation of evidence of deposit (e.g., date-stamped receipt card, EFS Acknowledgement Receipt); or submit the drawings/figures and accept the date of submission as the filing date. The Office gave Petitioner two (2) months within which to reply.

On 15 February 2007, Petitioner filed, *inter alia*, the instant petition with fee, and amendment and:

- FIGS 1 – 4, averred to be copies from the provisional (of the previously omitted drawings) FIGS. 1- 4;
- FIGS. 6 and 7, averred to be copies of FIGS. 5 and 6 of the provisional; and
- finally, FIG 5, averred to be due entry "it is fully supported by the provisional application";

all averred to have been present upon deposit of the parent/previously-filed Provisional Application No. 60/749,852, filed on 13 December 2005, to which application a priority claim was made in the instant application.

Petitioner asserts that the drawings/figures were inadvertently omitted from the instant application; and points to the prior filed Provisional Application No. 60/749,852, filed on 13 December 2005, and to the claim for priority thereto made in the specification of the instant application, and now seeks to obtain an incorporation by reference herein under the provisions of 37 C.F.R. §1.57(a).

APPLICABLE LAW, RULES AND MPEP

Petition under 37 C.F.R.§1.57(a)

37 C.F.R.§1.57, Incorporation by reference, states:

> (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). (Emphasis supplied).

ANALYSIS

A Petitioner under 37 C.F.R. §1.57(a) to add inadvertently omitted material to an application requires:

1) a proper claim for benefit of a prior-filed application at the time of the original filing of the application at issue, the benefit claim may be made under 37 C.F.R. §1.78 to a provisional, nonprovisional, or international application, or under 37 C.F.R. §1.55 to a foreign application;

2) an amendment to the application at issue adding the inadvertently omitted material indicating where the material should be added to the application;

3) the inadvertently omitted material must be completely contained within the prior-filed application;

4) a copy of the prior application , if it was not filed under 35 U.S.C. §111;

5) the fee as set forth under 37 C.F.R. §1.17(f) .

The instant petition is missing item 3, above.

In the petition filed on 15 February 20007, Petitioner states that Figures 1 – 4 are identical to figures 1 – 4 of provisional application 60/749,852, and that Figures 6 and 7 of the present application are "essentially identical" to Figures 5 and 6 of the provisional application. Finally, Petitioner argues that Figure 5 of the 15 February 2007, amendment is "fully supported" by the provisional application."

A review of provisional application has been made and it is considered that Figures 1- 4 of the 15 February 2007, amendment are "completely contained" within the prior application. As to Figures 6 and 7, while these figures are similar to the figures contained in the provisional application, it is not appropriate for applicant to submit and amendment under 37 C.F.R. §1.57(a) since the subject matter of at least Figure 5 is not completely contained within the prior application. (*See*: 69 F.R. 56482, 56503-04, comment 46. "It would be a burden on the Office if applicant were permitted to bring in material that was implicitly disclosed in the prior application. Therefore, the rule is limited to inadvertently omitted material that is expressly, as opposed to implicitly, disclosed in the prior application.")

CONCLUSION

Accordingly, this petition must be **dismissed**.

Any questions concerning this matter may be directed to John Gillon at (571) 272-3214.

Anthony Knight
Supervisor
Office of Petitions

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CHRIS A. CASEIRO
VERRILL DANA, LLP
ONE PORTLAND SQUARE
PORTLAND ME 04112-0586

COPY MAILED
DEC 12 2008

In re Application of	:	
Langis	:	
Application No. 11/608,446	:	DECISION
Filed/Deposited: 8 December, 2006	:	
Attorney Docket No. LAN-001	:	

This is a decision on the petition (renewed) filed 1 October, 2008, seeking to have accorded a filing date of 8 December, 2006, for the above-identified application based upon a showing that the omitted drawings/figures were present in the prior-filed co-pending provisional application to which this application claimed benefit (under 37 C.F.R. §1.78) on filing.

For the reasons stated herein, the petition is **GRANTED**.

Application papers in the above-identified application were deposited on 8 December, 2006.

On 3 January, 2007, the Office mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing date because it had been deposited without drawing as required under 35 U.S.C. §113 (first sentence). The Office indicated that Petitioner could demonstrate on petition the presence of the drawings/figures by presentation of evidence of deposit (e.g., date-stamped receipt card, EFS Acknowledgement Receipt); or submit the drawings/figures and accept the date of submission as the filing date. The Office gave Petitioner two (2) months within which to reply.

On 15 February, 2007, Petitioner filed, *inter alia*, a petition with fee, and amendment and: FIGS 1 – 4, averred to be copies from the provisional (of the previously omitted drawings) FIGS. 1- 4; FIGS. 6 and 7, averred to be copies of FIGS. 5 and 6 of the provisional; and finally, FIG 5, averred to be due entry "it is fully supported by the provisional application"—all averred to have been present upon deposit of the parent/previously-filed Provisional Application No. 60/749,852, filed on 13 December, 2005, to which application a priority claim was made in the instant application.

Petitioner asserted that the drawings/figures were inadvertently omitted from the instant application; pointed to the prior filed Provisional Application No. 60/749,852, filed on 13 December, 2005, and to the claim for priority thereto made in the specification of the instant application, and sought to obtain an incorporation by reference herein under the provisions of 37 C.F.R. §1.57(a).

The petition was dismissed on 2 September, 2008, because the provisions of 37 C.F.R. §1.57 require, *inter alia*, that the inadvertently omitted material must be completely contained within the prior-filed application and—in light of Petitioner's averment, *inter alia*, that Figures 6 and 7 of the present application are "essentially identical" to Figures 5 and 6 of the provisional application—it was not appropriate for applicant to submit an amendment under 37 C.F.R. §1.57(a) since the subject matter was not completely contained within the prior application.[1]

On 1 October, 2008, Petitioner again filed a petition seeking an 8 December, 2006, filing date for the application, and included therewith an amendment and four (4) sheets of drawing figures (Marked "Replacement Drawings), all averred to have been present upon deposit of the parent/previously-filed Provisional Application No. 60/749,852, filed on 13 December, 2005, to which application a priority claim was made in the instant application.

Petitioner again asserted that the drawings/figures were inadvertently omitted from the instant application; pointed to the prior filed Provisional Application No. 60/749,852, filed on 13 December, 2005, and to the claim for priority thereto made in the specification of the instant application, and sought to obtain an incorporation by reference herein under the provisions of 37 C.F.R. §1.57(a); and requests that the application be amended to include the inadvertently omitted specification on the basis that the application as filed contained a prior-benefit claim under 37 C.F.R. §1.55 or §1.78.

APPLICABLE LAW, RULES AND MPEP

Petition under 37 C.F.R.§1.57(a)

37 C.F.R.§1.57, Incorporation by reference, states:

> (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

[1] *See*: 69 F.R. 56,482, 56,503-04, comment 46. "It would be a burden on the Office if applicant were permitted to bring in material that was implicitly disclosed in the prior application. Therefore, the rule is limited to inadvertently omitted material that is expressly, as opposed to implicitly, disclosed in the prior application."

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). (Emphasis supplied).

ANALYSIS

Petitioner has included a proper priority claim the prior filed Provisional Application No. 60/749,852, filed on 13 December, 2005, in the specification filed with the application papers on 8 December, 2006. Therefore, based upon applicant's incorporation by reference of the contents of the nonprovisional application on filing of the present application, a filing date of 8 December, 2006, may be accorded the present application. A preliminary amendment to add the inadvertently omitted material is required and appears to have been filed with the instant petition.

CONCLUSION

Accordingly, the petition is **granted**.

This application is being forwarded to the Office of Patent Application Processing (OPAP) formerly Office of Initial Patent Examination (OIPE), for further processing, with the filing date of 8 December, 2006, using the application papers present on that date, and drawings/figure and preliminary amendment submitted on 1 October, 2008.

Any questions concerning this matter may be directed to John Gillon at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Anthony Knight
Supervisor
Office of Petitions

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OSLER, HOSKIN & HARCOURT LLP (BRP)
2100 - 1000 DE LA GAUCHETIERE ST. WEST
MONTREAL, QC H3B4W5
CANADA

Mail Date: 04/20/2010

Applicant	: Fritz EINBOECK	: DECISION ON REQUEST FOR
Patent Number	: 7617904	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/608,450	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **388** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

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OFFICE OF PETITIONS

In re Application of :
Nicolae Dumitrescu :
Application No. 11/608,472 : ON PETITION
Filed: December 8, 2006 :
Attorney Docket No. BYR-87 :

This is a decision on the petition under 37 CFR 1.137(b), filed on February 17, 2009, to revive the above-identified application.

The application became abandoned for failure to respond to the Notice of Allowance and Fee(s) Due mailed October 10, 2008. A Notice of Abandonment was mailed February 3, 2009.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Chien Yuan appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party on whose behalf he/she acts. If Chien Yuan desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $1,510 for payment of the issue fee and $300 for payment of the publication fee; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Data Management for further processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Chien Yuan
511 Benedict Avenue
Tarrytown, NY 10591

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TORONTO ON M5H 3Y2 CA CANADA

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SEP 1 1 2007

OFFICE OF PETITIONS

In re Application of	:	
Bassem Hamdy et al	:	DECISION GRANTING STATUS
Application No. 11/608,493	:	UNDER 37 CFR 1.47(a)
Filed: December 8, 2006	:	
Attorney Docket No. SDJ/15236-2	:	

This is in response to the petition under 37 CFR 1.47(a), filed March 27, 2007.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

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 $60 extension of time submitted with the petition on March 27, 2007 was subsequent to the maximum period obtainable for reply, a total of $60 is being credited to deposit account no. 02-2095 as authorized.

This application is being referred to Technology Center AU 2165 for Examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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COATS & BENNETT/SONY ERICSSON
1400 CRESCENT GREEN
SUITE 300
CARY, NC 27518

Mail Date: 04/21/2010

Applicant	: Gregory A. Dunko	: DECISION ON REQUEST FOR
Patent Number	: 7646972	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/608,517	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **387** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HUNTON & WILLIAMS LLP/VARIAN SEMICONDUCTOR, EQUIPMENT ASSOCIATES, INC.
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET,N.W., SUITE 1200
WASHINGTON DC 20006-109

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OFFICE OF PETITIONS

In re Application of :
Vikram Singh et al :
Application No. 11/608,522 : DECISION ON PETITION
Filed: December 8, 2006 :
Attorney Docket No. 2005-088 CIP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 7, 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 December 26, 2008, is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,110.00 extension of time fee submitted with the petition on July 7, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1792 for appropriate action by the Examiner in the normal course of business on the reply received July 7, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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HISCOCK & BARCLAY, LLP
2000 HSBC PLAZA
100 Chestnut Street
ROCHESTER NY 14604-2404

In re Application of	:	
MATTHEW THOMAS STARR, et al	:	
Application No. 11/608533	:	DECISION ON PETITION
Filed: December 8, 2006	:	
Attorney Docket No. 3023824 US03	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 6, 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 February 16, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed November 16, 2009. Accordingly, the date of abandonment of this application is February 17, 2010. On March 3, 2010, a Notice of Abandonment was mailed.

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 in the amount of $1055, (2) the petition fee of $810; (3) the publication fee in the amount of $300, and (4) a proper statement of unintentional delay. Accordingly, the reply to the Notice of Allowance and Fee(s) Due of November 16, 2009, is accepted as having been unintentionally delayed.

Receipt of the Small Entity Certification pursuant to 37 CFR §§ 1.27 and 1.28 is acknowledged. Small Entity status will apply to this application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person singing the instant petition, all future correspondence will be directed to the address currently of record until usch time as appropriate instructions are received to the contrary.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3231.

This application is being referred to the Office of Data Management for processing into a patent.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc:

PETER J. BILINSKI
ONE PARK PLACE
300 S. STATE ST.
SYRACUSE NY 13202

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ROCHESTER, NY 14604-2404

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OFFICE OF PETITIONS

In re Application of :
Matthew Thomas Starr :
Application No. 11/608,557 : ON PETITION
Filed: December 8, 2006 :
Attorney Docket No. 3023824 US04 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 10, 2010, to revive the above-identified application.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Kenneth Altshuler appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The application became abandoned for failure to file a reply to the Notice of Allowance and Fee(s) Due mailed on December 7, 2009. A Notice of Abandonment was mailed March 22, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $755[1] for payment of the issue fee and $300 for payment of the publication fee; (2) the petition fee of $810 and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

A courtesy copy of this decision is being mailed to the address given in the present petition. Thereafter, all future correspondence will be addressed solely to the address of record until otherwise instructed by applicant.

This application file is being referred to the Office of Data Management for further processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Kenneth Altshuler
6285 Lookout Road
Boulder, CO 80301

[1] Since petitioner asserts that the above application is entitled to small entity status, status as a large entity has been removed.

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OFFICE OF PETITIONS

FINNEGAN HENDERSON, LLP/WYETH
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

In re Application of :
Widom, et al. :
Application No. 11/608,564 : DECISION GRANTING PETITION
Filed: December 8, 2006 :
Attorney Docket No. 08702.0163-0000 :

This is a decision on the "Petition to Accord Original Filing Date" filed June 25, 2007.

The petition is **granted.**

On December 8, 2006, the application was deposited without drawings. A review of the internal USPTO database indicates that a Notice of Incomplete Nonprovisional Application was mailed on March 26, 2007, but said notice was not found in the IFW application filed. On February 20, 2007, applicant filed drawings and a preliminary amendment requesting entry of the drawings. A declaration under 37 CFR 1.63 was not filed with the drawings. Yet, the filing date accorded the application was changed from December 8, 2006, to February 20, 2007—the date the drawings and preliminary amendment were filed. The instant petition was filed on June 25, 2007. Petitioner argues, in part, that the drawings are not necessary to understand the invention claimed.

It has been determined that drawings are not necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). A review of the record reveals that several claims in the original disclosure are method and composition claims. Therefore, the application is deemed to be an application that does not require drawings for an understanding of the invention claimed. Accordingly, the application, as filed, was entitled to the filing date of December 8, 2006.

The petition fee of $400.00 will be refunded, in due course.

The application is being forwarded to the Office of Initial Patent Examination for issuance of a corrected filing receipt and for further processing with a filing date December 8, 2006. Thereafter, the application file will be directed to Technology Center 1600, GAU 1644 for processing of the preliminary amendment filed February 20, 2007, requesting entry of the drawings.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE CA 92618

In re Application of: FUKUDA et al.
Application No. 11/608566
Filed: December 8, 2006
For: METHOD FOR ANALYZING STATE TRANSITION IN WEB PAGE

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 2, 2008, and a second request/petition filed on 8/18/2008, to make the above- identified application special.

The petition is **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 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 Mano Padmanabhan at 571-272-4210.

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.

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/608,566	12/08/2006	Kentarou Fukuda	JP920050126US1	9565

27431 7590 09/23/2008
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EXAMINER	
CALDWELL, ANDREW T	
ART UNIT	PAPER NUMBER
2142	

MAIL DATE	DELIVERY MODE
09/23/2008	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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BANNER & WITCOFF, LTD.
1100 13TH STREET, NW
SUITE 1200
WASHINGTON, DC 20005

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AUG 0 6 2009

OFFICE OF PETITIONS

In re Application of	:	
Kenny et al.	:	DECISION ON PETITION
Application No. 11/608,567	:	TO WITHDRAW
Filed: December 8, 2006	:	FROM RECORD
Attorney Docket No. PA1869.ap.US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 18, 2009.

The request is **DISMISSED as moot**.

A review of the file record indicates that all previous powers of attorney was revoked by the assignee of the patent application on June 23, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

There is an outstanding Office action mailed June 11, 2009 that requires a reply.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: MARK A. LITMAN AND ASSOCIATES, P.A.
YORK BUSINESS CENTER
3209 W. 76TH STREET
SUITE 205
EDINA MN 55435

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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
PATENT DOCKET RM. BLDG. K1-4A59
NISKAYUNA, NY 12309

Mail Date: 05/04/2010

Applicant	: Rajib Datta	: DECISION ON REQUEST FOR
Patent Number	: 7633770	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/608,570	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **357** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/608,602	12/08/2006	Yohei Ikawa	JP920050142US1	9627

27431 7590 12/16/2008

SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE, CA 92618

EXAMINER	
VY, HUNG T	
ART UNIT	PAPER NUMBER
2163	

MAIL DATE	DELIVERY MODE
12/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE CA 92618

In re Application of: IKAWA et al.
Application No. 11/608,602
Filed: December 8, 2006
For: CHARACTER STRING PROCESSING METHOD, APPARATUS, AND PROGRAM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 13, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(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 are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The request and petition are **GRANTED**.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

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LEVINE BAGADE HAN LLP
2483 EAST BAYSHORE ROAD, SUITE 100
PALO ALTO, CA 94303

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MAR 03 2008

In re Application of	:	
Christopher J. DANEK, et al	:	
Application No. 11/608,606	:	DECISION ON PETITION
Filed: December 8, 2006	:	TO WITHDRAW
Attorney Docket No. 649218031US	:	FROM RECORD
	:	

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 16, 2007.

The request is **DISMISSED** as 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 December 12, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: PAUL T. PARKER
PERKINS COIE LLP
1201 THIRD AVENUE, SUITE 4800
SEATTLE, WA 98101-3099

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WYETH/FINNEGAN HENDERSON, LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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MAR 19 2007

OFFICE OF PETITIONS

In re Application of :
Widom, et al. :
Filed: December 8, 2006 : ON PETITION
Application No. 11/608,627 :
Dkt. No.: 08702.0119-00000 :

This is a decision on the petition under 37 CFR 1.53(e)(2), filed February 20, 2007, to accord the above-identified application a filing date of December 8, 2006.

The petition under 37 CFR 1.53 is **DISMISSED**.

The application was submitted December 8, 2006 without drawings. The Notice of Incomplete Nonprovisional Application was mailed December 21, 2006. The Notice indicated the application had not been accorded a filing date because the application appeared to have been submitted without drawings as required per 35 USC 113.

As argued by applicants and stated in MPEP 601.01(f), it is the practice of the PTO to treat a non-provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113 (first sentence).

Moreover, MPEP 601.01(f) states that a nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors. Should the Technology Center determine that drawings are necessary under 35 U.S.C. 113 (first sentence) the filing date issue will be reconsidered by the USPTO.

A review of the official file reveals that the instant application includes at least one method claim. As it is USPTO

practice to treat a non-provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary, the application, as submitted, is entitled to a filing date of December 8, 2006. Thus, the instant petition is unnecessary as the instant application is otherwise entitled to a filing date under 37 CFR 1.53(b). Accordingly, the Notice is withdrawn.

The application will be processed with only the papers present on December 8, 2006, without drawings as part of the original disclosure.

No fee is due in connection with this matter. Petitioner is entitled to a refund of the previously submitted petition fee of $400.00. A refund may be requested by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of December 8, 2006 using only the papers present on that day and without entry of any drawings into the record.

Thereafter, the application will be forwarded to the appropriate Group Art Unit for consideration of the preliminary amendment submitted herewith requesting entry of the drawings.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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AUSTIN RAPP & HARDMAN
170 SOUTH MAIN STREET
SUITE 735
SALT LAKE CITY UT 84101

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MAY 25 2010

OFFICE OF PETITIONS

In re Application of :
Andrew Rodney Ferlitsch :
Application No. 11/608,657 : DECISION GRANTING PETITION
Filed: December 8, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SLA1972 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, May 21, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 23, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2467 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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43649 W BAILEY DR.
MARICOPA AZ 85239

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OFFICE OF PETITIONS

In re Application of :

Brett C. Krippene :
Application No. 11/608,658 : DECISION ON PETITION
Filed: December 08, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. **126** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 21, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor Brett Krippene's, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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Heller Ehrman LLP
275 Middlefield Road
Menlo Park, CA 94025-3506

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OFFICE OF PETITIONS

In re Application of	:	
W. Robert Arathoon, et al.	:	
Application No. 11/608,673	:	DECISION ON PETITION
Filed: December 8, 2006	:	TO WITHDRAW
Attorney Docket No. 146392003703	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 3, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Heller Ehrman has been revoked by the assignee of the patent application on February 21, 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: **Morrison & Foerster LLP**
755 Page Mill Road
Palo Alto, CA 94304-1018

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Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

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OFFICE OF PETITIONS

In re Application of	:	
W. Robert Arathoon, et al.	:	
Application No. 11/608,673	:	DECISION ON PETITION
Filed: December 8, 2006	:	TO WITHDRAW
Attorney Docket No. 146392003703	:	FROM RECORD
	:	

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 24, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Catherine M. Polizzi on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **W. Robert Arathoon**
1 DNA Way
San Francisco, CA 94080

cc: **Ginger Dreger**
Goodwin Procter LLP
181 Lytton Avenue
Palo Alto, CA 94301

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/608,673	12/08/2006	W. Robert Arathoon	146392003703

CONFIRMATION NO. 9760

POWER OF ATTORNEY NOTICE

25226
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

Date Mailed: 08/11/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/24/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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OFFICE OF PETITIONS

GOODWIN PROCTER LLP
135 COMMONWEALTH DRIVE
MENLO PARK CA 94025

In re Application of	:	
ARATHOON, W. Robert et al.	:	
Application No. 11/608,673	:	DECISION ON PETITION
Filed: December 08, 2006	:	TO WITHDRAW
Attorney Docket No. **GNE-0215R2C3**	:	FROM RECORD
	:	

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 03, 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 Jeffery Bernhardt on behalf of all attorneys of record who are associated with customer No. 35489. All attorneys/agents associated with the Customer Number 35489 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original

owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **W. ROBERT ARATHOON**
1 DNA WAY
SAN FRANCISCO CA 94080

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United States Patent and Trademark Office
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Cooley Godward Kronish LLP
Attn: Patent Group
Suite 1100
777-6th Street, NW
Washington, DC 20001

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OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Majeed Ghadialy, et al.	:	
Application No. 11/608,678	:	DECISION ON PETITION
Filed: December 8, 2006	:	TO WITHDRAW
Attorney Docket No. RUBI-001/01US 301004-2003	:	FROM RECORD
	:	

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 19, 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 Cliff Z. Liu on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Majeed Ghadialy**
1200 E. Hillsdale Blvd, #3B
Foster City, CA 94404

cc: **Jim Soong**
Greenberg Trauig, LLP
1900 University Avenue, 5th Floor
East Palo Alto, CA 94303

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/608,678	12/08/2006	Majeed Ghadialy	RUBI-001/01US 301004-2003

CONFIRMATION NO. 9774

POWER OF ATTORNEY NOTICE

23419
COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
Washington, DC 20001

OC000000032360068

Date Mailed: 10/01/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/19/2008.

- 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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KARSTEN MANUFACTURING CORPORATION
LEGAL DEPARTMENT
2201 WEST DESERT COVE
PHOENIX AZ 85029

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OCT 23 2007

OFFICE OF PETITIONS

In re Application of :
John C. Souza et al. :
Application No. 11/608,693 : DECISION ACCORDING STATUS
Filed: December 8, 2006 : UNDER 37 CFR 1.47(a)
Attorney Docket No. KMC-630A :

This is in response to the petition filed December 8, 2006 under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on December 8, 2006, with the instant petition under 37 CFR 1.47(a), and an oath or declaration executed by all joint inventors except David E. Wright . The petition argues that joint inventor Wright refuses to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were forwarded to Mr. Wright at the last known address and to date, he has not returned an executed copy of the oath or declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Petitioner's deposit account no. 11-0222 has been charged in the amount of $200.00 for the petition fee under 37 CFR 1.47(a).

This matter is being referred to the Publishing Division.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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BUSKOP LAW GROUP, P.C.
1776 YORKTOWN, SUITE 550
HOUSTON TX 77056

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JAN 12 2007

OFFICE OF PETITIONS

In re Application of :
RANIERI, et al. :
Application No. 11/608,704 : DECISION ON PETITION
Filed: December 8, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 1009.029 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 8, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes the driver's license of inventor Jimmy Don Shafer, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3635 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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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COOLEY GODWARD KRONISH, LLP
ATTN: PATENT GROUP
777 – 6TH STREET NW, SUITE 1100
WASHINGTON, DC 2001

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AUG 1 8 2008

In re Application of :
RAEBER, et al. :
Application No. 11/608,705 : DECISION ON PETITION
Filed: December 8, 2006 : TO WITHDRAW
Attorney Docket No. 102238-1 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 April 9, 2008.

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 June 17, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: ASTRAZENECA R&D BOSTON
35 GATEHOUSE DRIVE
WALTHAM, MA 02451-1215

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/608,716	12/08/2006	Reddy Malapati	81150491	9839

36865 7590 02/25/2010

ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER	
ENGLE, PATRICIA LYNN	
ART UNIT	**PAPER NUMBER**
3612	

MAIL DATE	DELIVERY MODE
02/25/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FEB 25 2010

ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

In re Application of Reddy Malapati et al. Application No. 11/608,716 Filed: December 8, 2006 For: ENERGY ABSORBING SEAT ANCHOR RESTRAINT SYSTEM FOR CHILD SAFETY SEATS	:	DECISION ON PETITION REGARDING REQUEST TO WITHDRAW FINALITY UNDER 37 CFR § 1.181

This is in response to applicants' petition under 37 CFR § 1.181 filed January 19, 2010 and February 16, 2010 requesting withdrawal of the finality of the Office action mailed November 16, 2009 as being premature.

The petition is **GRANTED to the extent indicated below.**

In the petition filed January 19, 2010 Applicants request withdrawal of the finality of the Office action mailed November 16, 2009 because "the Office has expressly and erroneously misinterpreted the law relative to the examination of claims, as a result, has failed to consider the patentability arguments" presented in the amendment filed September 8, 2009. Petitioner alleges that the final Office action is "deficient because the Office failed to satisfy the requirements of MPEP § 707.07(f)."

A review of the record shows that the examiner rejected claims 1-6, 16 and 18 under 35 USC 102(b) as being anticipated by Nagazumi. In response, applicants amended claim 1 to recite, inter alia, "where the radius is larger than a thickness of the metal strap and is limited by a distance between the first side wall and the second side wall." In the Remarks, applicants argued that Nagazumi does "not disclose a flat metal strap with a large radius relative to a thickness of the metal strap." Accordingly, the examiner withdrew the anticipatory rejection and rejected claims 1-6, 16 and 18 under 35 USC 103(a) as being unpatentable over of Nagazumi because it would have been an obvious matter of design choice to increase the radius, since such a modification would have involved a mere change in the size of a component.

Petitioner argues, in the January 19, 2010 petition, that the examiner "neither "took note" of Applicant's argument nor "answered the substance" of Applicant's argument, but rather acted in contravention of the law and completely ignored the substance of

Applicant's amendment." Petitioner further asserts that the final Office action is deficient because the Office failed to satisfy the requirements of MPEP 707.07(f).

MPEP 707.07(f) indicates that "where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it."

A review of the final Office action mailed November 16, 2009 indicates that the 35 USC 102(b) rejection was changed to a 35 USC 103(a) rejection. Additionally, as indicated in the "Response to Arguments" section of the Office action, the examiner fully considered the Applicant's arguments filed September 8, 2009, but they were not persuasive. Specifically, the examiner considered the radius to be a non-critical feature of the invention and thus deemed it would have been obvious change to one of ordinary skill in the art at the time the invention was made. Accordingly, the examiner did in fact satisfy the requirements of MPEP 707.07(f) by taking note of the applicant's argument and answering the substance of it. Thus, the finality of the Office action mailed November 16, 2009 will not be withdrawn.

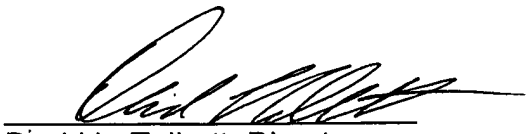
In the petition received February 16, 2010, Petitioner again request withdrawal of the finality of the Office action mailed November 16, 2009. Petitioner argues that the "outstanding final Office action is improper, as the advisory action mailed February 16, 2010 improperly attempts to cure the deficiencies of the final Office action (as set forth in Applicant's Petition filed January 19, 2010), and thereby creates still further deficiencies."

A review of the prosecution file shows that on January 19, 2010, Applicants filed a response to the final Office action. The response contained no claim amendments, nor any new references cited in an IDS. On February 16, 2010, the examiner mailed an advisory action. Applicant argues that in the advisory action the examiner "explicitly relies on new references and evidence not previously of record, and thus includes a new ground of rejection."

New evidence may be relied upon "after the fact" to support an examiner's statement of fact. However, such is not the case in the instant application. No statement of fact was made in the instant rejection. A review of the advisory action indicates that the examiner does in fact rely on new references and evidence to support the obviousness rejection of claims 1-6, 16 and 18, e.g., "this evidence supports the Examiner's position that it would have been obvious to one of ordinary skill in the art to increase the bend radius since it is a known dimension to alter to affect the yield point of the material."

Accordingly, the application will be returned to the examiner to issue a new non-final Office action which includes a rejection of the claims under 35 USC 103(a) in view of the new evidence presented in the advisory action.

Any inquiries regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045



David L. Talbott, Director
Patent Technology Center 3600
(571) 272-5150

DT/tl: 02/23/10

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GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK CA 94025

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JUN 26 2007

OFFICE OF PETITIONS

In re Application of :
Dcosta, et al. : ON PETITION
Application No.: 11/608,718 :
Filed: December 8, 2006 :
Attorney Docket No.: WELL0066 :
For: METHOD AND APPARATUS FOR :
CHECK STACK VISUALIZATION :

This is a decision on the petition under 37 CFR 1.47(a), filed June 1, 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. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on December 8, 2006 without an executed oath or declaration. Accordingly, on January 3, 2007, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on June 1, 2007 a petition for a three month extension of time and required fee, a declaration executed by 3 of 4 joint inventors, the surcharge, and the instant petition with were filed. The petition is signed by Attorney Michael A. Glenn. Attorney Glenn explains that Ashvil Savio Dcosta cannot be located, despite diligent efforts to find him.

A grantable petition under 37 CFR 1.47(a) requires

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the fee of $200, and

(4) the last known address of the omitted inventor(s).

This petition lacks item (2) above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The citizenship of non-signing inventor Dcosta is not included on the declaration. The citizenship of each inventor must be included **on the oath or declaration**. As listing the citizenship for each inventor is a statutory requirement under 35 U.S.C. 115, it cannot be waived.

The signing inventors must execute another declaration that lists the application serial number and filing date, contains the signers' own information, and lists Mr. Dcosta's information, including citizenship. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicants on behalf of the non-signing inventors is REQUIRED. See MPEP 409.03(a).

The $200.00 petition fee will be charged to deposit account no. 07-1445.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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SEP 27 2007

OFFICE OF PETITIONS

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK CA 94025

In re Application of :
Dcosta, et al. : ON PETITION
Application No.: 11/608,718 :
Filed: December 8, 2006 :
Attorney Docket No.: WELL0066 :
For: METHOD AND APPARATUS FOR :
CHECK STACK VISUALIZATION :

This is a decision on the petition filed, August 22, 2007, requesting reconsideration of a decision mailed June 26, 2007, which refused to accord 37 CFR 1.47(a) status to the above-identified application.

The petition is **GRANTED.**

Petitioners have shown that the non-signing inventor, Ashvil Savio Dcosta 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 Initial Patent Examination for pre-examination processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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SEP 27 2007

OFFICE OF PETITIONS

ASHVIL SAVIO DCOSTA
20647 FORGE WAY
CUPERTINO, CA 95014

In re Application of :
Dcosta, et al. : LETTER
Application No.: 11/608,718 :
Filed: December 8, 2006 :
Attorney Docket No.: WELL0066 :
For: METHOD AND APPARATUS FOR :
CHECK STACK VISUALIZATION :

Dear Mr. Dcosta:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

cc: GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK CA 94025

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GLOBAL PATENT GROUP
ATTN: MS LAVERN HALL
10411 CLAYTON ROAD, SUITE 304
FRONTENAC, MO 63131

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AUG 29 2007

OFFICE OF PETITIONS

In re Application of :
SMITH, Nicholas D. et al. :
Application No. 11/608,726 : DECISION ON PETITION
Filed: December 08, 2006 : TO WITHDRAW
Attorney Docket No. **K0076-201-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 June 11, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, (transfer of representation by assignee/owner), do not meet any the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary

evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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HELLER EHRMAN LLP
275 MIDDLEFIELD ROAD
MENLO PARK, CA 94025-3506

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MAY 2 9 2008

OFFICE OF PETITIONS

In re Application of :

BLACKBURN, Thomas P. :
Application No. 11/608,746 : DECISION ON PETITION
Filed: December 08, 2006 : TO WITHDRAW
Attorney Docket No. **43373-0003-1 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 April 10, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Leslie B. Overman on behalf of all attorneys of record who are associated with customer No. 25213. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **THOMAS P. BLACKBURN**
114TH STREET
APT. 412
HOBOKEN, NJ 07030

cc: **DON J. PELTO**
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
1300 I STREET, NW
11TH FLOOR EAST
WASHINGTON, DC 20005

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THOMAS P. BLACKBURN
114TH STREET
APT. 412
HOBOKEN NJ 07030

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OCT 16 2008

OFFICE OF PETITIONS

In re Application of
Thomas P. Blackburn
Application No. 11/608,746
Filed: December 8, 2006
Filed: INDOLONE COMPOUNDS USEFUL TO TREAT COGNITIVE IMPAIRMENT

DECISION DISMISSING 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 August 1, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require

additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.78(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax:
(571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/Karen Creasy/

Karen Creasy
Petitiions Examiner
Office of Petitions

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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DON J. PELTO
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
1300 I STREET, NW
11TH FLOOR EAST
WASHINGTON DC 20005

COPY MAILED
DEC 16 2008

In re Application of	:	
Thomas Blackburn	:	
Application No. 11/608,746	:	DECISION ON PETITIONS
Filed: December 8, 2006	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
For: INDOLONE COMPOUNDS USEFUL	:	
TO TREAT COGNITIVE IMPAIRMENT	:	

This is a decision on the renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed October 31, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further,

the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application. All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Petitioner may request a refund of the petition fee charged on October 31, 2008, by writing to the Office of Finance, Refund Section. A copy of this decision must accompany the request. The petition fee had been previously charged on August 1, 2008.

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 1623 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.

Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
11/608,746	12/08/2006	1623	490		20	2

CONFIRMATION NO. 9890

CORRECTED FILING RECEIPT

68850
DON J. PELTO
Sheppard, Mullin, Richter & Hampton LLP
1300 I STREET, NW
11TH FLOOR EAST
WASHINGTON, DC 20005

Date Mailed: 12/16/2008

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)

Thomas P. Blackburn, Hoboken, NJ;

Power of Attorney: The patent practitioners associated with Customer Number 68850

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/748,851 12/09/2005
and is a CIP of 10/637,299 08/07/2003 PAT 7,220,775
which claims benefit of 60/402,035 08/07/2002

Foreign Applications

If Required, Foreign Filing License Granted: 01/24/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/608,746**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Indolone Compounds Useful To Treat Cognitive Impairment

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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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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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

COPY MAILED

JUN 0 8 2007

OFFICE OF PETITIONS

In re Application of :
Hu et al. :
Application No. 11/608,750 : ON PETITION
Deposited: December 8, 2006 :
Title: Three Dimensional Modeling :
of Objects

This is a decision on the Petition for Filing Date filed April 16, 2007 (certificate of mailing April 12, 2007), requesting that the above-identified application be accorded the filing date of December 8, 2006.

Application papers in the above-identified application were deposited on December 8, 2006 via the electronic filing system (EFS). However, on February 12, 2007, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings.[1]

In response, the present petition was filed wherein Petitioner contends three sheets of drawings as described in the specification were filed on December 8, 2006. In support thereof, petitioner submitted a copy of the acknowledgment receipt of their electronic filing. The petition is further accompanied by a three (3) sheets of drawings. In the alternative, petitioner contends that drawings are not necessary for the subject matter to be patented.

The arguments and evidence supplied with the petition have been carefully considered, but are not found to be persuasive. A second review of the original application papers as filed electronically reveals that three (3) sheets of drawings were not amongst the papers submitted to the Office on December 8, 2006.

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[1] See 35 U.S.C. 111(a)(4)

Thus the initial disclosure will not include three sheets of drawings.

Upon further review of the application file it is evident the claims presented with the original disclosure included at least one method claim. 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). See MPEP 601.01(f).

Since the application should have been accorded a filing date and a Notice of Omitted Parts should have been issued rather than a Notice of Incomplete Application, the application will be accorded the requested filing date of May 24, 2006 without drawings.

The petition is granted to the extent indicated above. The petition fee will be refunded.

The application is being forwarded to the Office of Initial Patent Examination to accord the application a **filing date of December 8, 2006**, without any drawings.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

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ADELI & TOLLEN, LLP
11940 SAN VICENTE BLVD, SUITE 100
LOS ANGELES CA 90049

MAILED

MAR 2 4 2009

OFFICE OF PETITIONS

In re Application of :
Schmit et al. :
Application No. 11/608,790 : DECISION ON PETITIONS
Filed: 12/08/2006 : UNDER 37 CFR 1.78(a)(6) and 1.182
Attorney Docket No. TBUL.P000C :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed October 7, 2008, 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 supplemental amendment and Application Data Sheet. This is also a decision on the petition under 37 CFR 1.182 for expedited consideration of the above-referenced petition under 37 CFR 1.78(a)(6).

The petitions are **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.

Receipt of the petition fees required under 37 CFR 1.78(a)(6) and under 37 CFR 1.182 is acknowledged.

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2819 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.

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/608,790	12/08/2006	2819	690	TBUL.P0009C	1	1

CONFIRMATION NO. 9966

CORRECTED FILING RECEIPT

48947
ADELI & TOLLEN, LLP
11940 San Vicente Blvd, Suite 100
LOS ANGELES, CA 90049

OC000000035153614

Date Mailed: 03/24/2009

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)

Herman Schmit, Palo Alto, CA;
Michael Butts, Portland, OR;
Brad L. Hutchings, Fremont, CA;
Steven Teig, Menlo Park, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/883,051 06/30/2004 PAT 7,167,025
which claims benefit of 60/560,747 02/14/2004

Foreign Applications

If Required, Foreign Filing License Granted: 01/06/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/608,790**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Non-Sequentially Configurable IC

Preliminary Class

326

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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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.

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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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ADELI & TOLLEN, LLP
11940 San Vicente Blvd., Suite 100
LOS ANGELES, CA 90049

Mail Date: 06/18/2010

Applicant	: Herman Schmit	: DECISION ON REQUEST FOR
Patent Number	: 7667486	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/608,790	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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Adam Albrett
9905 Commonwealth Blvd.
Fairfax, VA 22032-2408

FEB 09 2007

In re Application of: Kebaish, Adel Serial No.: 11/608,818 Filed: December 9, 2006 Title: FEMORAL UNIVERSAL NAIL	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 9, 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, II. 1-4, 5, 5.1, 5.3, 6, 6.1, 6.4, 6.5, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II. 5.2, 6.2, and 6.3 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 1-13, the Pre-Examination Search Document, pages 1-3, and the Information Disclosure Statement and PTO-1449 form. All items were received via EFS Web on December 9, 2006.

Regarding the requirements of section II element 5.2 outlined above, a pre-examination search has been conducted by petitioner in class 606 subclasses 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 72, 73, 81, and 89. It appears the search outlined in the petition omitted critical portions of class 606 by not searching in subclasses 86, 97, 98, and 105. Subclass 86 in particular is drawn to "Means for use in bone reparation". As the instant invention is directed to an intramedullary nail for insertion in the intramedullary canal of a long bone, there appears to be a clear need for searching in this subclass. The search of foreign databases provides one single search logic which is overly broad and does not search the specifically claimed invention; the search logic further is lacking by using the truncated form only of "intramedul$5" while not likewise searching truncated forms of screw$8 or fasten$8. The Google search likewise has a single search logic consisting of "intradmedullary nail" which in addition to being misspelled is drawn only to a nail and does not include synonymous search terms such as screw or fastener or the like. Finally, the search listed does not appear to encompass all of the claimed invention. Nowhere in the search is it apparent that the specific features claimed in every one of claims 1-20 have been specifically searched. Nowhere in the search is it apparent that the bore, sleeve, transverse slot, sleeve lock of claim 1 have been specifically searched. Nowhere in the search is it apparent that dependent claim limitations such as the washer of claim 3, the lag screw of claim 5, the compression screw of claim 6, the lock plate of claim 9, etc. 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 requirement of section II, elements 6.2 and 6.3, at the onset, it is noted that while the IDS submitted cites 26 references in total, the Examination Support Document (ESD) only makes reference to two of the 26 cited references. It is unclear whether the applicant cites all 26 references as being closely related to the instant invention as there is no mention of all the cited documents. The IDS should contain only those references most closely related to the subject matter of each claim. The ESD must identify all of the limitations in the claims that are disclosed by each such reference. The ESD must also provide a detailed explanation of how each of the claims are patentable over each such reference. Because the ESD only refers to two of the 26 cited references, elements 6.2 and 6.3 are not met.

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 ESD does not include an identification of *all* claimed limitations that are disclosed in *each* cited reference as required. As mentioned previously, the ESD does not refer to *each* cited reference. The ESD also does not include identification of all claimed limitations even with respect to the two references referred to therein. While the applicant identifies features of claims 1, 5-8, 10, 15, and 18 as taught by the

Lawes reference, applicant makes no mention of any teachings drawn to claims 2-4, 9, 11-14, 16-17, and 19-20. For example with respect to claim 2, petitioner has provided in the discussion of claim 1 that the Lawes reference has teachings relevant to the sleeve structure; the sleeve structure is further limited by claim 2 and yet there is no identification of any teachings of Lawes relevant to these claimed limitations. Likewise, while the applicant identifies features of claims 1, 5-7, 10, 15, and 18 as taught by the Bramlet reference, applicant makes no mention of any teachings drawn to claims 2-4, 8-9, 11-14, 16-17, and 19-20. 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. This requirement does not limit "all the 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 references with particularity required by 37 CFR 1.111(b) and (c). The instant petition only addresses claims 1, 15, and 18 and does not consistently refer to each cited reference. As outlined above, all claims must be addressed with at least the same specificity to claim language as is provided for claim 1 and with respect to each cited reference. 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." What petitioner has provided with respect to claim 1 in view of Lawes under this section is sufficient. However, this must be extended to encompass all of the claims as well as each cited reference.

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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CORPORATE INTELLECTUAL PROPERTY, MAI B482
FIVE MOORE DR., PO BOX 13398
RESEARCH TRIANGLE PARK, NC 27709-3398

Mail Date: 04/20/2010

Applicant	: Giuseppe Alvaro	: DECISION ON REQUEST FOR
Patent Number	: 7652012	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/608,853	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **293** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Paper No.

FORD GLOBAL TECHNOLOGIES, LLC
FAIRLANE PLAZA SOUTH
SUITE 800
330 TOWN CENTER DRIVE
DEARBORN MI 48126

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SEP 26 2007

OFFICE OF PETITIONS

In re Application of :
Ilya Kolmanovsky et al. : DECISION ON PETITION
Application No. 11/608,876 :
Filed: December 11, 2006 :
Attorney Docket No. 81154058 :
Title: METHOD FOR REDUCING :
POWER CONSUMPTION AND :
EMISSIONS FOR AN INTERNAL :
COMBUSTION ENGINE HAVING A :
VARIABLE EVENT VALVETRAIN :

This is a decision on the "Petition under 37 C.F.R. § 1.181," filed March 5, 2007, requesting that the above-referenced application be accorded a filing date of December 11, 2006. This petition is being treated pursuant to 37 C.F.R. § 1.53(e)(2)[1].

Application papers in the above-identified application were filed on December 11, 2006. However, on January 3, 2007, the Initial Patent Examination Division mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants

1 Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in 37 C.F.R. § 1.17(f). In the absence of a timely (37 C.F.R. § 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

that, *inter alia*, the application papers had not been accorded a filing date because the application was deposited without drawings. The notice set a two-month period for response.

In response, applicants timely filed this petition. In which, applicants acknowledge inadvertently omitting a copy of the drawings on submission of the present continuation application. Applicants argued, however, that the filing date of December 11, 2006, should still be accorded pursuant to 37 C.F.R. § 1.57(a)(3).

Petitioner's arguments and evidence have been considered. However, it is controlling that 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 37 C.F.R. § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Nonprovisional Application. As stated in MPEP § 601.01(g), if an application is entitled to a filing date, the mailing of a Notice of Omitted Items will permit *inter alia*:

> 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 drawing(s) 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 drawing(s) pursuant to 37 CFR 1.57(a). The amendment should be submitted in response to the Office action and must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17.

No petition is required.

To the extent the present petition requests a filing date of December 11, 2006 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee will be refunded to Deposit Account No. 06-1505, as authorized, in due course.

The Office of Initial Patent Examination (OIPE) will be advised of this decision. Pursuant to this decision, the application will be referred to OIPE for:

- **correction of the filing date to December 11, 2006**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing,** and;
- **for issuance of a filing receipt**.

It is noted that Petitioner has submitted 20 pages of drawings concurrently with the present petition, however it does not appear that Petitioner has submitted an amendment that directs the entry of these drawings into the present application. If Petitioner desires for the Examiner to consider the missing pages which were not submitted as part of the original disclosure, then Petitioner may submit those pages as an amendment. Any such amendment will, of course, be reviewed by the examiner for new matter[2]. The amendment is not new matter if the substance was a part of the disclosure of the prior application.

The general phone number for OIPE is 571-272-4000. Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Charles Pearson
Director
Office of Petitions

2 See MPEP 608.02(h) and 608.04.

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330 TOWN CENTER DRIVE
DEARBORN MI 48126

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APR 0 5 2007

OFFICE OF PETITIONS

In re Application of	:	
Donald Lewis	:	
Application No. 11/608,883	:	ON PETITION
Filed: 11 December, 2006	:	
Atty Docket No. 81154067	:	

This is a decision on the "Electronically Filed Petition, Petition Under 37 C.F.R. § 1.181;" filed on 5 March, 2007, which is treated as a petition filed under 37 CFR 1.53(b), requesting that the above-identified application, without drawings, be accorded a filing date of 11 December, 2006.

The application was filed on 11 December, 2006, without drawings.[1] Accordingly, on 3 January, 2007, Initial Patent Examination Division mailed a "Notice of Incomplete Nonprovisional Application" stating, *inter alia*, that no filing date had been assigned because the application was deposited without drawings, and requiring drawings be filed if necessary. In response, on 25 January, 2007, 20 sheets of drawings and a declaration were filed. Accordingly, the application was assigned a filing date of 25 January, 2007.

On 5 March, 2007, the present petition was filed.

Petitioners concede that the drawings were not present among the application papers filed on 11 December, 2006, but argue that the drawings were incorporated by reference from the parent application.

It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention

[1] 35 U.S.C. § 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."

under 35 U.S.C. 113 (first sentence).[2] A review of the record reveals that Claims 1-18 are method claims. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

To the extent the instant petition requests a filing date of 11 December, 2006, with no drawings present in the application, the petition is **GRANTED**

Since the petition was necessitated by an error on the part of the USPTO, no petition fee is due. The petition fee will be credited to counsel's deposit account.

The "Notice of Incomplete Nonprovisional Application" mailed on 3 January, 2007, was sent in error and is hereby vacated to the extent that it stated that the application was incomplete.

The application will be processed and examined using only the application papers filed on 11 December, 2006. The sheets of drawings filed with the present petition, will not be considered a part of the original disclosure. Petitioner may wish to consider filing a preliminary amendment requesting entry of the drawings. If a preliminary amendment requesting entry of the drawings is filed, the drawings will be reviewed by the examiner for new matter.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 11 December, 2006, using only the application papers present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at 571.272.3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

---

[2] MPEP 601.01(f).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/608,885	12/11/2006	Noriaki Asamoto	JP920050145US1	1146

27431 7590 06/25/2008

SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE, CA 92618

EXAMINER	
SHAH, KAMINI S	

ART UNIT	PAPER NUMBER
2128	

MAIL DATE	DELIVERY MODE
06/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JUN 25 2008

TECHNOLOGY CENTER 2100

SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE CA 92618

In re Application of: Noriaki ASAMOTO
Application No. 11/608,885
Filed: December 11, 2006
For: VERIFICATION OPERATION SUPPORTING SYSTEM AND METHOD OF THE SAME

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed May 15, 2008, to make the above-identified application special.

The petition is **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition failed:

1) item (5) above, since applicant failed to submit a statement that the reasons for refusal in the English language is a true and accurate translation of the corresponding document in the Japanese language.

Accordingly, the Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be faxed to Mano Padmanabhan at 571-273-4210 (RightFax) or 571-273-0308.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/608,885	12/11/2006	Noriaki Asamoto	JP920050145US1	1146

27431 7590 09/16/2008

SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE, CA 92618

EXAMINER	
SHAH, KAMINI S	
ART UNIT	PAPER NUMBER
2128	

MAIL DATE	DELIVERY MODE
09/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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TECHNOLOGY CENTER 2100

SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE CA 92618

In re Application of: Noriaki ASAMOTO
Application No. 11/608,885
Filed: December 11, 2006
For: VERIFICATION OPERATION SUPPORTING SYSTEM AND METHOD OF THE SAME

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed May 15, 2008, and the request for reconsideration of adverse decision filed Jun 25, 2008,to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(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).

In response to the petition decision mailed on May 16, 2008, applicant submitted a renewed petition including a document that contained the allowable claim 8 in the Japanese Language with a corresponding translation in English. Accordingly, the request to participate in the PPH pilot program and petition comply with the above requirements, and the above-identified application has been accorded "special" status.

The request and petition are **GRANTED**.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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.

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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SEP 16 2008

In re application of	:	DECISION ON REQUEST TO
Hideo Kimura et al	:	PARTICIPATE IN PATENT
Serial No. 11/608,897	:	PROSECUTION HIGHWAY
Filed: December 11, 2006	:	PILOT PROGRAM AND
For: PASTE COATER AND POP AUTOMATIC MOUNTING APPARATUS EMPLOYING THE SAME	:	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, together with the preliminary amendment filed August 21, 2008.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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GUERIN & RODRIGUEZ, LLP
5 MOUNT ROYAL AVENUE
MOUNT ROYAL OFFICE PARK
MARLBOROUGH, MA 01752

Mail Date: 04/21/2010

Applicant	: Brian John Julian	: DECISION ON REQUEST FOR
Patent Number	: 7604422	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/608,915	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **347** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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INSIGHT TECHNOLOGY INCORPORATED
ATTN: PETER W. MURPHY
NINE AKIRA WAY
LONDONDERRY NH 03053

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OFFICE OF PETITIONS

In re Application of
Schwartz II, et al
Application No. 11/608,954
Filed: December 11, 2006
Attorney Docket No. P0440CON

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(6), filed August 28, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to prior-filed provisional applications.

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.

This pending nonprovisional application was filed on December 11, 2006. Intermediate Application No. 11/272,123 was filed within twelve months of the filing date of the prior-filed provisional applications, and for which priority is claimed. A reference to the prior-filed provisional applications has been included in an amendment to the first sentence of the specification following the title.

However, 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. § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

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 to the prior filed provisional applications are required.

As authorized, the $1,410.00 fee required by 37 CFR 1.78(a)(6)(ii) has been charged to petitioner's Deposit Account No. 50-3139.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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

INSIGHT TECHNOLOGY INCORPORATED
ATTN: PETER W. MURPHY
NINE AKIRA WAY
LONDONDERRY NH 03053

COPY MAILED

JAN 27 2010

In re Application of :
Schwatz II, et al :
Application No. 11/608,954 : DECISION ON PETITION
Filed: December 11, 2006 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. P0440CON :

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed January 6, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional applications 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 applications as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional applications must have been filed within twelve months of the filing date of the prior-filed provisional applications.

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 applications, accompanies this decision on petition.

Any inquiries concerning this decision 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.

The application is being forwarded to Technology Center AU 2872 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional applications.

/KOC/
Karen Creasy
Petition Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
11/608,954	12/11/2006	2872	1000	P0440CON	20	3

CONFIRMATION NO. 1283

CORRECTED FILING RECEIPT

43961
INSIGHT TECHNOLOGY INCORPORATED
ATTN: PETER W. MURPHY
NINE AKIRA WAY
LONDONDERRY, NH 03053

Date Mailed: 01/25/2010

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)

Sheldon Schwartz II, Auburn; NH;
Matthew W. Reed, New Boston, NH;

Power of Attorney:

Steven Grossman--35001
Kevin Carroll--36384
Donald Perreault--40126
Edmund Pfleger--41252
Peter Murphy--43822
Jeffrey Placker--47862
Paul Kroon Jr--51902
Mark Whittenberger--52356
Richard Rhodes Jr--53513

Domestic Priority data as claimed by applicant

This application is a CIP of 11/272,123 11/10/2005 PAT 7,158,296
which claims benefit of 60/627,197 11/12/2004
and claims benefit of 60/645,097 01/20/2005

Foreign Applications

If Required, Foreign Filing License Granted: 01/06/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/608,954**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Vision System with Eye Dominance Forced to Fusion Channel

Preliminary Class

359

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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PO BOX 7021
TROY MI 48007-7021

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JAN 04 2010

In re Application of :
BRODKEY, Jason A. :
Application No. 11/608,990 : DECISION ON PETITION
Filed: December 11, 2006 : TO WITHDRAW
Attorney Docket No. **BRO-10002/29** : FROM RECORD
:

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 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 requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by John Posa on behalf of all attorneys of record who are associated with customer No. 25006. All attorneys/agents associated with the Customer Number 25006 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 Jason Brodkey at the address indicated below. There is an outstanding Office action mailed August 18, 2009 that requires a reply from the applicant.]

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **JASON A. BRODKEY**
3989 WALDENWOOD
ANN ARBOR MI 48105

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.
11/609,044	12/11/2006	Satoshi Ikeda	299530US8	1449

7590 08/26/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
ART UNIT	PAPER NUMBER
2627	
NOTIFICATION DATE	DELIVERY MODE
08/26/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
08/27/2009 0030073740

Credit Card Refund Total: $700.00

Am Exp..: XXXXXXXXXXX1021

Adjustment date: 08/27/2009 NFARMER
12/12/2006 INTEFSW 00000228 11609044
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP

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900 ROUTE 9 NORTH
WOODBRIDGE, NJ 07095

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MAR 2 0 2008

OFFICE OF PETITIONS

In re Application of :
Satyam S. Nampalli, et al. :
Application No.: 11/609,075 : ON PETITION
Filed: December 11, 2006 :
Attorney Docket No.: 536/6 :

This is a decision on the petition, filed March 19, 2008, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 15, 2008, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1621 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).

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.*

26 JUN 2008

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

In re Application of LOHMILLER et al	:	
U.S. Application No.: 11/609,088	:	
PCT Application No.: PCT/DE2005/001314	:	
Int. Filing Date: 26 July 2005	:	
Priority Date Claimed: 30 July 2004	:	DECISION
Attorney Docket No.: P31087	:	
For: METHOD FOR DETECTING ERRORS IN SENSOR VALUES AND ERROR DETECTION DEVICE	:	

This is in response to applicant's "Petition for Indication of Application as National Stage Under 35 U.S.C. § 371" filed 26 November 2007, which is being treated under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 26 July 2005, applicant filed international application PCT/DE2005/001314, which claimed priority of an earlier Germany application filed 30 July 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 09 February 2006. The thirty-month period for paying the basic national fee in the United States expired on 30 January 2007.

On 11 December 2006, applicant filed purported 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 accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 November 2007, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition states that the papers filed 11 December 2006 were intended as a submission to enter the national stage under 35 U.S.C. 371. A review of the application file reveals that the

application data sheet, executed declaration, and express request to begin national examination all contained indications that the present application was intended to be a filing under 35 U.S.C. 371. It is noted that although the EFS-Web data entry screen on 11 December 2006 did contain the option of specifying "U.S. National Stage under 35 USC 371" as the application type, applicant's selection of "Utility" as the application type is not technically incorrect, since an application filed under 35 U.S.C. 371 is a utility application. Accordingly, applicant's selection of the "Utility" application type is not deemed a conflicting instruction under MPEP 1893.03(a), and the present application will be treated as a submission under 35 U.S.C. 371.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 26 July 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 11 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, including preparation and mailing of: (1) a Notice of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903) and (2) a corrected filing receipt, which should indicate that the present application is a 35 U.S.C. 371 national stage entry of international application number PCT/DE2005/001314.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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CHICAGO IL 60606

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JUN 25 2007

OFFICE OF PETITIONS

In re Application of :
Takeshi Hirata :
Application No. 11/609,099 : DECISION DISMISSING
Filed: December 20, 2006 : PETITION
Attorney Docket No. 2076/98287 :

This is a decision on the petition filed January 17, 2007 under 37 CFR 1.53(e), in response to the Notice of Incomplete Nonprovisional Application ("Notice") mailed December 15, 2006, requesting that the above-identified application be accorded the filing date of December 11, 2006.

On December 15, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Nonprovisional Application stating that no filing date had been assigned because the application was deposited without a complete specification. The "Notice" advised that the filing date would be the date of receipt of the specification unless it was asserted by petition that the complete specification had previously submitted or that it was not necessary. The Notice also required the filing of an oath or declaration.

In response, on December 20, 2006 , the present petition was filed with a complete copy of the application, purportedly filed on December 11, 2006, a copy of an acknowledgment receipt and a declaration from Catherine Fascetta that the application was filed with a specification.

Petitioners argue that the application was filed electronically via the Office's Electronic Filing System (EFS) on December 11, 2006 and that a complete specification was submitted with the original application. Petitioner further argues that the Acknowledgment Receipt bearing a time stamp date of 16:19:11, Eastern Time, December 11, 2006 is proof of receipt.

The argument and evidence supplied with the petition have been carefully considered, but are not persuasive. Upon a review of the Office EFS database and the original XML documents however, it was noted that only the fee sheet was submitted. Unfortunately, it appears that no files other than the fee sheet was attached with the December 11, 2006 filing and thus the "Notice" mailed December 15, 2006 was correct in stating that a complete specification was not filed.

The petition under 37 CFR 1.53 is therefore **DISMISSED**.

As the evidence presented is not sufficient to prove that a complete specification was filed on December 11, 2006 with the application when filed, the evidence is insufficient to show that the error was committed by the USPTO and thus, the petition fee will not be refunded.

As such, no specification was present on December 11, 2006 and a filing date of December 1, 2006 cannot be granted.

It is noted the petition does not request in the alternative the later filing date of December 20, 2006 (the date of receipt of the drawings). Accordingly, no filing date will be accorded to this incomplete application.

Petitioner must contact the Office within **TWO MONTHS** from the mailing date in writing to indicate whether applicants desire the later filing date of December 20, 2006.

Otherwise petitioner may request a refund of the filing fee pursuant to 37 CFR 1.53(e)(3), less the $130.00 handling fee set forth in 37 CFR 1.21(n), from the Office of Finance.

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

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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DEC 0 4 2007

OFFICE OF PETITIONS

In re Application of
Takeshi Hirata
Application No. 11/609,099
Filed: December 20, 2006
Attorney Docket No. 2076/98287

DECISION ON PETITION

This is a decision on the request for reconsideration filed August 6, 2007 to accord the above-identified application a filing date of December 29, 2007.

On December 15, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Nonprovisional Application stating that no filing date had been assigned because the application was deposited without a complete specification. The "Notice" advised that the filing date would be the date of receipt of the specification unless it was asserted by petition that the complete specification had been previously submitted or that it was not necessary. The Notice also required the filing of an oath or declaration. In response, on December 20, 2006, a petition was filed with a complete copy of the application, purportedly filed on December 11, 2006, a copy of an acknowledgment receipt and a declaration from Catherine Fascetta that the application was filed with a specification. The petition was dismissed in a decision mailed June 25, 2007 because while petitioners argued that the application was filed electronically via the Office's Electronic Filing System (EFS) on December 11, 2006 and that a complete specification was submitted with the original application, the evidence presented was not persuasive. Specifically, a review of the Office EFS database and the original XML documents noted that only the fee sheet was submitted and no files other than the fee sheet was attached with the December 11, 2006 filing.

As such, no specification was present on December 11, 2006 and a filing date of December 11, 2006 could not be granted. Further the petition filed June 25, 2007 did not request in the alternative the later filing date of December 20, 2006 (the date of receipt of the complete specification), accordingly, no filing date was accorded to application.

Comes now petitioner with the instant filing date petition requesting the date of receipt of the specification as the filing date.

In view thereof, the petition requesting the receipt date as the filing date is **GRANTED**.

Accordingly, the application will be forwarded to the Office of Patent Application Processing to accord the application a filing date of December 20, 2006, the receipt date of the complete specification, for the mailing of a filing receipt and for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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WADDEY & PATTERSON, P.C.
1600 DIVISION STREET, SUITE 500
NASHVILLE, TN 37203

Mail Date: 04/20/2010

Applicant	: Bradley E. Reis	: DECISION ON REQUEST FOR
Patent Number	: 7592695	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/609,121	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **168** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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
www.uspto.gov

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

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SEP 0 4 2009

OFFICE OF PETITIONS

In re Application of
Joseph Lockart
Application No. 11/609,126
Filed: December 11, 2006
Attorney Docket No. 18554-068001

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 20, 2009.

The request is **APPROVED**.

The request was signed by Michael R. Hamlin on behalf of all attorneys of record.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor 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 Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Joseph Lockhart
50-56 Broadlawn Park #422
Chestnut Hill, MA 02467

cc: Omnisonics Medical Technologies, Inc.
c/o John Aquino
Anderson Aquino LLP
240 Lewis Wharf
Boston, MA 02110

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
11/609,126	12/11/2006	Joseph Lockhart	18554-068001

CONFIRMATION NO. 1577

POWER OF ATTORNEY NOTICE

26161
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

OC00000037626537

Date Mailed: 09/03/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/20/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/609,126	12/11/2006	Joseph Lockhart	18554-068001

CONFIRMATION NO. 1577

Joseph Lockhart
50-56 Broadlawn Park #422
Chestnut Hill, MA 02467

POA ACCEPTANCE LETTER

Date Mailed: 09/03/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/20/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
PATENT DOCKET RM. BLDG. K1-4A59
NISKAYUNA NY 12309

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OFFICE OF PETITIONS

In re Application of	:	
Bewlay et al.	:	DECISION ON PETITION
Application Number: 11/609151	:	
Filing Date: 12/11/2006	:	
Attorney Docket Number: 138923-3	:	

This is a decision on the petition filed on September 2, 2009, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on May 21, 2009, for failure to timely file a response to the non-final Office action mailed on February 20, 2009, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on October 8, 2009.

Receipt of an amendment in response to the non-final Office action mailed on February 20, 2009 is acknowledged.

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The application is referred to Technology Center Art Unit 2889 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 13, 2009

TO SPE OF : ART UNIT 1645
SUBJECT : Request for Certificate of Correction for Appl. No.: 11/609189 /7495069

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. 120

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☐ **Approved**	**All** changes apply.
☒ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: Exception 1 :Column 39, line 1: request to delete "Tip" and insert --Trp- can not be processed since no "Tip" is present at the said location.

Exception 2 : column 110, line 37, claim 8: request to delete "SEQ ID NO:2" would result in an improper Markush that ends the claim with "and".

ROBERT MONDESI
SUPERVISORY PATENT EXAMINER

1645

SPE Art Unit

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BOTKIN & HALL, LLP
105 E. JEFFERSON BLVD.
SUITE 400
SOUTH BEND IN 46601

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MAY 07 2009

OFFICE OF PETITIONS

In re Application of :

OWENS, Kevin F. et al. :
Application No. 11/609,204 : DECISION ON PETITION
Filed: December 11, 2006 : TO WITHDRAW
Attorney Docket No. **596-002.002** : FROM RECORD
:

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 09, 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 Michael Marston on behalf of all attorneys of record who are associated with customer No. 31179. All attorneys/agents associated with the Customer Number 31179 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 Kevin Owens at the address indicated below. There is an outstanding Office action mailed February 26, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **KEVIN F. OWENS**
58141 C.R. 29
GOSHEN IN 46528

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 05/06/2010

Applicant	: Christoph Wasshuber	: DECISION ON REQUEST FOR
Patent Number	: 7619241	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/609,205	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **40** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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McDermott Will & Emery LLP
2049 Century Park East
38th Floor
Los Angeles, CA 90067-3208

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OFFICE OF PETITIONS

In re Application of	:	
Michael Shivas	:	
Application No. 11/609,212	:	DECISION ON PETITION
Filed: December 11, 2006	:	TO WITHDRAW
Attorney Docket No. 019491-014800US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 20, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to McDermott Will & Emery LLP has been revoked by the assignee of the patent application on October 3, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Townsend and Townsend and Crew LLP/EA**
Two Embarcadero Center
8th Floor
San Francisco, CA 94111

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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249 6th Floor
HOUSTON, TX 77070

Mail Date: 04/21/2010

Applicant	: John T. White JR.	: DECISION ON REQUEST FOR
Patent Number	: 7664781	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/609,213	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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JERRY TURNER SEWELL
P.O. BOX 10999
NEWPORT BEACH CA 92658-5015

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JUN 07 2007

OFFICE OF PETITIONS

In re Application of	:	
Ness, George	:	
Application No. 11/609,219	:	ON PETITION
Filed: December 11, 2006	:	
Attorney Docket No. 10051-001A	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 13, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a Declaration from the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3635 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES CA 90045

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JUL 13 2007

OFFICE OF PETITIONS

In re Application of :
Pollack, et al. :
Filed: December 11, 2006 : ON PETITION
Application No. 11/609,222 :
Atty. Dkt. No.: ENDOV-75893 :

This decision in response to the "PETITION UNDER 37 CFR 1.57(a)," filed January 29, 2007, to accord the above-identified application a filing date of December 11, 2006.

The petition is hereby **GRANTED**.

The application was received December 11, 2006. The Notice of Incomplete Nonprovisional Application (Notice) mailed January 12, 2007 indicated, *inter alia*, that the application had not been accorded a filing date because the application specification appeared to have been omitted from the application as submitted.

The Notice indicated that the filing date would be the date of receipt of all items indicated as omitted, unless otherwise indicated in the Notice. The Notice required that any assertions that the item(s) were submitted or were not necessary for a filing date, must be by way of petition (accompanied by required petition fee).

The Notice further indicated that if the application contained a priority claim under 37 CFR 1.55 or benefit claim under 37 CFR 1.78 of a prior-filed application that was present on the filing date of the application and applicants want to rely on 37 CFR 1.57(a) to add inadvertently omitted material to the above-identified application, applicants must file a petition under 37 CFR 1.57(a) accompanied by the $400.00 petition fee (37 CFR 1.17(f)) within TWO MONTHS of the date of this Notice.

Petitioners herein argue in pertinent part that the omitted specification is part of the disclosure of U.S. App. No. 10/326,719, filed December 19, 2002, now U.S. Pat. No. 7,147,662, which is a continuation of U.S. App. No. 09/547,822, filed April 11, 2000, now U.S. Pat. No. 6,517,573, said

applications having been incorporated by reference upon filing of the instant application and to which a benefit claim was presented under 37 CFR 1.78.

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). *See*, 37 CFR 1.57(a).

In accordance with 37 CFR 1.57(a)(1), [t]he 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.

The instant petition has been reviewed and found to have satisfied the requirements of 37 CFR 1.57(a).

Based on petitioner's representation that the omitted specification is part of the disclosure of U.S. App. No. 10/326,719, filed December 19, 2002, now U.S. Pat. No. 7,147,662, which is a continuance of U.S. App. No. 09/547,822, filed April 11, 2000, now U.S. Pat. No. 6,517,573, the benefit of which have been claimed and specifically incorporated by reference in the present application on December 11, 2006, it appears that the specification was present in the Office on December 11, 2006, albeit in the file of another application(s), i.e., the application(s) whose benefit has been claimed and referenced in the incorporation by reference statement.

Moreover, in accordance with 37 CFR 1.57(f), "[a]ny insertion of material incorporated by reference into the specification or drawings of an application must be by way of an amendment to the specification or drawings. Such an amendment must be accompanied by a statement that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter."

The required amendment has been provided herewith and as such, the petition satisfies the requirements of 37 CFR 1.57(a)(3).

A newly executed oath or declaration under 37 CFR 1.51(b)(2) and 1.53(f) in a continuation or divisional application would not be required with the preliminary amendment, provided that the specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application. See 37 CFR 1.63(d)(1).

Petitioners are advised that the preliminary amendment will be reviewed by the primary examiner in due course. However, for the purposes of according a filing date, the application appears to be entitled to a filing date of December 11, 2006.

Accordingly, the application is being returned to the Office of Initial Patent Examination for further processing with a filing date of December 11, 2006.

Telephone inquiries related to this decision may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Charles Pearson
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/609,223	12/11/2006	Daniel H. Kim	STAN-472 (S05-429)	1750

77974 7590 06/04/2010

Stanford University Office of Technology Licensing
Bozicevic, Field & Francis LLP
1900 University Avenue
Suite 200
East Palo Alto, CA 94303

EXAMINER	
SCHAPER, MICHAEL T	

ART UNIT	PAPER NUMBER
3775	

MAIL DATE	DELIVERY MODE
06/04/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.usplo.gov

Stanford University Office of Technology Licensing
Bozicevic, Field & Francis LLP
1900 University Avenue
Suite 200
East Palo Alto CA 94303

In re Application of:
KIM, DANIEL H. et al
Serial No.: 11/609,223
Filed: Dec. 11, 2006
Docket: STAN-472 (S05-429)
Title: SYSTEMS AND METHODS FOR FIXATION OF BONE WITH AN EXPANDABLE DEVICE

DECISION ON PETITION

This is a decision on the petition filed on November 3, 2009 by which petitioner requests reconsideration and withdrawal of the restriction requirement mailed on May 13, 2009 and repeated on September 3, 2009. This petition is being considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is **granted.**

In finding petitioner's points of argument persuasive, the requested relief is granted. The restriction requirement mailed on May 13, 2009 and repeated on September 3, 2009 is hereby withdrawn. The claim amendment under Rule 111 filed on March 1, 2010 has been entered. After consultation with the examiner, the examiner agrees to issue an Office action to treat the amended claims 190-194 and 214 on the merits in the next Office action.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3775 for further consideration of the Rule 111 amendment filed on March 1, 2010. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Robert Olszewski, Director
Technology Center 3700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06/17/10

TO SPE OF : ART UNIT 1645

SUBJECT : Request for Certificate of Correction for Appl. No.: 11609226 Patent No.: 7709608

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:

ROBERT MONDESI
SUPERVISORY PATENT EXAMINER

R Mondesi
SPE

1645
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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Levine Bagade Han LLP
2483 East Bayshore Road, Suite 100
Palo Alto, CA 94303

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MAR 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Christopher J. Danek et al.	:	
Application No. 11/609,242	:	DECISION ON PETITION
Filed: December 11, 2006	:	TO WITHDRAW
Attorney Docket No. 649218024US	:	FROM RECORD
	:	

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 16, 2007.

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 December 12, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Perkins Coie LLP**
Patent Sea
P.O. Box 1247
Seattle, WA 98111

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OFFICE OF PETITIONS

In re Application of :
Gholam A. Peyman :
Application No. 11/609,243 : DECISION ON PETITION
Filed: December 11, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 0116161-001 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 11, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3739 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

DICKSTEIN SHAPIRO LLP
1633 BROADWAY
NEW YORK, NY 10019

Applicants: Robin Boch, et al.
Appl. No.: 11/609,253
Filing Date: December 11, 2006
Title: DATA PROCESSING DEVICE AND METHOD FOR MONITORING THE CORRECT OPERATION OF A DATA PROCESSING DEVICE
Attorney Docket: I0046.0128
Pub. No.: US 2008/0115132 A1
Pub. Date: May 15, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 8, 2009, for the above-identified application.

The request is dismissed.

Applicant request that the application be republished because the patent application publication contains a material error in the drawings wherein an incorrect set of drawings was published.

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 8, 2009, was not timely filed under 37 CFR 1.221(b).

Due to the nature of the error in this publication, the office will *sua sponte* publish a corrected patent application publication. The corrected patent application publication will be published in due course, unless the application is allowed and the patent issues before the application is republished.

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[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The drawings which improperly scanned into this application have been removed.

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

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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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8TH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 04/21/2010

Applicant	: Guu Lin	: DECISION ON REQUEST FOR
Patent Number	: 7573297	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/609,257	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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OFFICE OF PETITIONS

In re Application of :
G. Glenn Henry et al :
Application No. 11/609,261 : DECISION GRANTING PETITION
Filed: December 11, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. CNTR.2231-C1 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 31, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 16, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2183 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.*