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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/624,382	01/18/2007	Yuya DOKAI	36856.1505	6530

54066 7590 03/31/2008

MURATA MANUFACTURING COMPANY, LTD.
C/O KEATING & BENNETT, LLP
8180 GREENSBORO DRIVE
SUITE 850
MCLEAN, VA 22102

EXAMINER	
ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
03/31/2008	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):

JKEATING@KBIPLAW.COM
uspto@kbiplaw.com

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KEATING & BENNETT, LLP
8180 Greensboro Drive, Suite 850
Tyson's Corner, VA 22102

In re Application of
Yuya DOKAI et al.
Application No.: 11/624,382
Filed: 18 January 2007
Attorney Docket No.: 36856.1505

For: WIRELESS IC DEVICE AND COMPONENT FOR WIRELESS IC DEVICE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PILOT PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

APR - 1 2008

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 19 March 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH pilot program and petition fails to ensure all the claims in the U.S. application sufficiently correspond to the allowable/patentable claim(s) in the JPO application. Specifically, claim 34 does not appear to sufficiently correspond to the allowable/patentable claim 8 in the JPO application. It appears that line 3 of claim 34 has a minor error. Referring to claim 34, line 3, the phrase "the multiple" does not sufficiently correspond to the phrase, "a plurality of the" found in the allowable/patentable claim 8 in the JPO application.

A proper response in this case must amend line 3 of claim 34 to change "the multiple" to properly correspond to the phrase, "a plurality of the".

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

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

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

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/624,382	01/18/2007	Yuya DOKAI	36856.1505	6530

54066 7590 04/16/2008

MURATA MANUFACTURING COMPANY, LTD.
C/O KEATING & BENNETT, LLP
8180 GREENSBORO DRIVE
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MCLEAN, VA 22102

EXAMINER	
ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
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APR 15 2008

In re Application of
Yuya DOKAI et al.
Application No.: 11/624,382
Filed: 18 January 2007
Attorney Docket No.: 36856.1505

For: WIRELESS IC DEVICE AND COMPONENT FOR WIRELESS IC DEVICE

: 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 19 March 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and

b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

A proper response to the dismissal in this case was received on April 11, 2008, and included an amendment to line 3 of claim 34 that changed "the multiple" to properly correspond to the phrase, "a plurality of the".

CONCLUSION

For the above reasons, the "Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program Between the JPO and the USPTO" filed 19 March 2008 is **GRANTED**. Accordingly, the above-identified application has been accorded "special" status.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

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

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

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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Ridout & Maybee LLP
225 King Street West
10th Floor
Toronto, ON M5V 3M2
CANADA

Mail Date: 04/20/2010

Applicant	: Neil P. ADAMS	: DECISION ON REQUEST FOR
Patent Number	: 7607004	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/624,384	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/18/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **17** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

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MAR 14 2007

OFFICE OF PETITIONS

In re Application of :
Gholam A. Peyman :
Application No. 11/624,400 : DECISION ON PETITION
Filed: January 18, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. PMAN-53CP : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 18, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a declaration statement signed by 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 1615 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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

Mail Date: 04/21/2010

Applicant	: Saul J. Rothstein	: DECISION ON REQUEST FOR
Patent Number	: 7643027	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/624,439	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/18/2007	: 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.

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JJGJR.: 09-07

Paper No: __

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OFFICE OF PETITIONS

WOLF, BLOCK, SCHORR
& SOLIS-COHEN LLP
1650 ARCH STREET, 22ND FLOOR
PHILADELPHIA PA 19103-2334

In re Application of :
Liu, et al. : DECISION
Application No.: 11/624,445 :
Filing Date: 18 January, 2007 :
Attorney Docket No. 108430.053A :

This is a decision on the petition filed on 10 April, 2007, under 37 C.F.R. §1.47(a).

The Office regrets the delay in addressing this matter, however, the instant petition was presented to the attorneys in the Office of Petitions only at this writing.[1]

For the reasons set forth below, the petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

NOTES:

(1) Any reply must include a renewed petition (and fee) must include a petition under 37 C.F.R. §1.47 and must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 C.F.R. §1.47";

(2) Thereafter, there will be no further reconsideration of this matter.

---

[1] NOTE: Monitoring of the status of applications on PAIR can inform one's management of application responses and provide an indication when mailings of Office actions should be expected. Status Inquiries filed at three (3) or four (4) month intervals provide a demonstration of diligence and attention in supporting a petition seeking relief under 37 C.F.R. §1.181.

BACKGROUND

The record reflects that:

- the instant application was filed on 18 January, 2007, without, *inter alia*, a fully executed oath/declaration;

- on 12 February, 2007, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;

- on 10 April, 2007, Petitioner Brian Belles (Reg. No. 51,322) filed, *inter alia*, the instant petition with an oath/declaration signed by inventor Messrs. Kashkoush and Liu (for themselves and on behalf of) non-signing inventor Hanjoo Lee (Mr. Lee), and while Petitioner seems to aver compliance with the rule, it appears from the copy of correspondence provided that the entire application (description, claims, abstract and drawings) was not sent to Mr. Lee as required by law, in that there is no transmittal correspondence evidencing an effort to transmit the entire application to Mr. Lee–nor is there any evidence of diligence in an effort to ascertain a valid mailing address for such transmittal.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

---

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

Specifically, the regulations at 37 C.F.R. §10.18 provide:

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.
(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension,

ANALYSIS

The regulations at 37 C.F.R. §1.47 provide in pertinent part:

> **§ 1.47 Filing when an inventor refuses to sign or cannot be reached.**
> (a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.
>
> * * *

The regulations at 37 C.F.R. §1.63 provide in pertinent part:

> **§1.63 Oath or declaration.**
>
> (b) In addition to meeting the requirements of paragraph (a)of this section, the oath or declaration must also:
>
> (1)Identify the application to which it is directed;
>
> (2) State that the person making the oath or declaration has reviewed and understands the contents of the application, Including the claims, as amended by any amendment specifically referred to in the oath or declaration; and

---

modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —

(1) Holding certain facts to have been established;
(2) Returning papers;
(3) Precluding a party from filing a paper, or presenting or contesting an issue;
(4) Imposing a monetary sanction;
(5) Requiring a terminal disclaimer for the period of the delay; or
(6) Terminating the proceedings in the Patent and Trademark Office.

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).

[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

> (3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

When one alleges a refusal of the inventor to sign the application papers, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who, *inter alia*, presented the inventor with the application papers and/or to whom the refusal was made.

The commentary at MPEP §409.03(d) provides:

> **409.03(d) Proof of Unavailability or Refusal**
>
> INVENTOR CANNOT BE REACHED
>
> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 C.F.R. §1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 C.F.R. §1.47.
>
> Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 C.F.R. §1.47. 37 C.F.R. §1.43 may be available under these circumstances. See MPEP §409.02. Such a petition under 37 C.F.R. §1.47 will be dismissed as inappropriate.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> REFUSAL TO JOIN
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not

been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 C.F.R. §1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP §106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 C.F.R. §1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.

When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 C.F.R. §1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Thus, not only must a copy of the entire application must be sent to the last known address of the non-signing inventor (or the estate representative) with a request that he/she sign the declaration for the patent application–and evidence of that transmittal submitted–but also a reasonable effort must be made to ascertain a current or last known address, and the petition (with fee) must state over the signature and registration number of the Petitioner the last known address and, if appropriate, evidence of the due diligence effort ascertaining same.

Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented.

(The declaration must set forth the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.[3])

Petitioner's attention is directed to the discussion in the BACKGROUND and ANALYSIS, above, and should ensure that the deficiencies addressed there are corrected with any future petition herein and that a copy of the transmittal letter forwarding the entire application (description, claims, abstract and drawings) to, and evidencing reasonable diligence in ascertaining a reasonably believed last known/current address for the non-signing inventor, all as required by law.

CONCLUSION

Therefore, the instant petition hereby is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:[4]

By mail: Commissioner for Patents[5]
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
(571) 273-8300

---

[3] See: MPEP 409.03(b).

[4] On July 15, 2005, the Central Facsimile (FAX) Number changed from (703) 872-9306 to (571) 273-8300. Old number(s) no longer are in service and (571) 273-8300 is the only facsimile number recognized for centralized delivery. (For further information. see: http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/cfax062005.pdf .)

[5] To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

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[10]) 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

[10] 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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Alexandria, VA 22313-1450
www.uspto.gov

WOLF, BLOCK, SCHORR
& SOLIS-COHEN LLP
1650 ARCH STREET, 22ND FLOOR
PHILADELPHIA PA 19103-2334

COPY MAILED

MAR 27 2008

OFFICE OF PETITIONS

In re Application of :
Liu, et al. :
Application No. 11/624,445 : ON PETITION
Filed: 18 January, 2007 :
Attorney Docket No. 108430.053A :

This is a decision on the petition filed on 27 November, 2007, under 37 C.F.R. §1.47(a).

For the reasons set forth below, the petition under 37 C.F.R. §1.47(a) is **GRANTED**.

BACKGROUND

The record indicates:

- the instant application was filed on 18 January, 2007, without, *inter alia*, a fully executed oath/declaration;
- on 12 February, 2007, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;
- on 10 April, 2007, Petitioner Brian Belles (Reg. No. 51,322) filed, *inter alia*, the original petition with an oath/declaration signed by inventor Messrs. Kashkoush and Liu (for themselves and on behalf of) non-signing inventor Hanjoo Lee (Mr. Lee), and while Petitioner seems to aver compliance with the rule, it appears from the copy of correspondence provided that the entire application (description, claims, abstract and drawings) was not sent to Mr. Lee as required by law, in that there is no transmittal correspondence evidencing an effort to transmit the entire application to Mr. Lee–nor is

there any evidence of diligence in an effort to ascertain a valid mailing address for such transmittal—and the petition was dismissed on 27 September, 2007;

- the instant petition was filed on 27 November, 2007, and seeks to overcome the prior deficiencies, and evidences with a copy of the transmittal letter the forwarding to the non-signing inventor the entire application (description, claims, abstract, drawings), which was sent to be last-known/reasonably-believed to be current or last known address (in a search for which a showing of diligent effort has been made), and that address is stated, and that the non-signing inventor has not been found or has refused to join.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.[1]

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.

This application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(a)**.

As provided under 37 C.F.R. §1.47(a), the Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition.

Notice of the filing of this application also will be published in the Official Gazette.

This file is released to Office of Patent Application Processing (OPAP) (formerly Office of Initial Patent Examination (OIPE)) for processing as necessary before being released for examination in due course.

---

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).

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

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United States Patent and Trademark Office
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HANJOO LEE
108-805 SANGROK LIFE APT.
JEONG JA-DONG BUNDANG-KU
SUNGNAME-CITY
KYUNGGI-DO
KOREA

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MAR 27 2008

OFFICE OF PETITIONS

In re Application of :
Liu, et al. :
Application No. 11/624,445 : COMMUNICATION
Filed: 18 January, 2007 :
Attorney Docket No. 108430.053A :

Dear Hanjoo Lee:

You are named as inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47,[1] Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding

---

1 The regulations at 37 C.F.R. §1.47 provide:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in §1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

© The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the *Official Gazette*. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s).

[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or toll-free: (800) 972-6382 (outside the Washington D.C. area).

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

Counsel of Record:
WOLF, BLOCK, SCHORR
& SOLIS-COHEN LLP
1650 ARCH STREET, 22ND FLOOR
PHILADELPHIA PA 19103-2334

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2 The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

JONES, WALKER, WAECHTER, POITEVENT, CARRERE & DENEGRE, L.L.P.
5TH FLOOR, FOUR UNITED PLAZA
8555 UNITED PLAZA BOULEVARD
BATON ROUGE LA 70809

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JUN 11 2008

OFFICE OF PETITIONS

In re Application of	:	
Wilson et al.	:	DECISION REFUSING STATUS
Application No. 11/624,494	:	UNDER 37 CFR 1.47(a)
Filed: January 18, 2007	:	
Attorney Docket No. 16675/108934-02	:	

This is in response to the petition under 37 CFR 1.47(a), filed May 14, 2007.

The petition is **dismissed**.

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

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

As to item (1), Petitioner submitted evidence with the May 14, 2007 petition establishing that non-signing inventor Kalyani Peri cannot be found or reached after diligent effort. Then, on June 20, 2007, a signature sheet of form PTO/SB/02A with inventor Peri's signature was submitted, which indicates that inventor Peri could be found. However, this signature sheet is not acceptable as a signed declaration of inventor Peri. In particular, since the signature sheet was not accompanied by the complete declaration, the record is not clear as to what Ms. Peri's signature relates. Since inventor Peri can be found and the record is not clear as to what she affirmed through her signature, the record is not clear as whether or not she refused to sign the complete declaration after having been presented with the application papers. Therefore, the

instant application cannot be granted status under rule 47 and lacks a properly signed oath or declaration.

In the event that inventor Peri refused to sign a complete declaration, an express or oral refusal, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

In regard to the signature sheet signed by Kalyani Peri filed June 20, 2007, the signature is not accompanied by relevant information such as the additional pages of the declaration showing the application to which the signature relates, a statement that the application, including the claims, was reviewed and understood, the names of the other inventors, and the further requirements of 37 CFR 1.63. The lone signature sheet filed June 20, 2007 does not clearly relate to the present application or show all of the information required by 37 CFR 1.63, which precludes granting of the request of June 20, 2007 that the petition of May 14, 2007 be withdrawn and the signature page be entered pursuant to 37 CFR 1.53(f). Moreover, the signature is not clear. Ms. Peri's signature is presented twice, in separate joint inventor sections. Her first signature is dated 5/18/07 but is not accompanied by residence information. Her second signature is not dated but is accompanied by residence information. Therefore, the form is not clear as to which signature to accept for Ms. Peri or if two separate inventors are presented. The lack of clarity present in this case could be corrected by filing a complete oath or declaration that is properly signed by Kalyani Peri. This would include all of the requirements of 37 CFR 1.63, similar to the declaration submitted May 14, 2007, accompanied by the clear signature of Ms. Peri.

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 Christopher Bottorff at (571) 272-6692.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Moser IP Law Group
1030 Broad Street, 2nd Floor
Shrewsbury, NJ 07702

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SEP 0 8 2008

In re Application of	:	
Stephen J. Plzak	:	
Application No. 11/624,530	:	DECISION ON PETITION
Filed: January 18, 2007	:	TO WITHDRAW
Attorney Docket No. DRDC-002B	:	FROM RECORD
	:	

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

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

The correspondence address has been changed and is copied below.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Stephen J. Plzak
Design Research and Development
Corporation
319 Commerce Court, Suite 106
Pottstown, PA 19464

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/624,530	01/18/2007	Stephen J. Plzak	DRDC-002B

CONFIRMATION NO. 6806

39731
Moser IP Law Group
1030 BROAD STREET, 2ND FLOOR
SHREWSBURY, NJ 07702

POWER OF ATTORNEY NOTICE

OC000000031945062

Date Mailed: 09/08/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/19/2008.

- 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.

/kainabinet/

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

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POTOMAC PATENT GROUP PLLC
PO BOX 270
FREDERICKSBURG VA 22404

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FEB 04 2008

OFFICE OF PETITIONS

In re Application of	:	
Alnas, et al.	:	DECISION ON PETITION
Application No. 11/624,532	:	
Filed: January 18, 2007	:	
Docket No. 0110-080	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed December 26, 2007.

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

Applicants filed the instant petition on December 26, 2007, requesting that the holding of abandonment be withdrawn. However, a review of the file does not indicate that the Office mailed a Notice of Abandonment. Moreover, PALM does not indicate that the application is in abandoned status. In view thereof, consideration of the instant petition is unnecessary, and is dismissed as moot.

The mater is being forwarded to Group Art Unit 2191 for examination in due course.

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

Cliff Congo
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:

DATE :

TO SPE OF : ART UNIT

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

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

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

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

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

Note your decision on the appropriated box.

☐ **Approved** All changes apply.

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

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

Comments:

UNITED STATES PATENT AND TRADEMARK OFFICE

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GODFREY & KAHN S.C.
780 NORTH WATER STREET
MILWAUKEE WI 53202

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MAR 2 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Scott Fladhammer	:	
Application No. 11/624,540	:	DECISION GRANTING PETITION
Filed: January 18, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 053990-0073	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 19, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 2, 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 2875 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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

Bruce H. Bernstein
Greenblum and Bernstein, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

7/3/08

In re Application of	:	DECISION ON REQUEST TO
Azuma et al.	:	PARTICIPATE IN PATENT
Application No. 11/624,555	:	PROSECUTION HIGHWAY
Filed: Jan. 18, 2007	:	PROGRAM AND PETITION
Attorney Docket No. P30894	:	TO MAKE SPECIAL UNDER
For: Creation of Ranking Table for Competitive Game	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 30, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

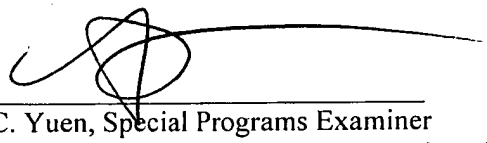
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation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

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

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to Xuan Thai, SPE of Art Unit 3714.

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



Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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

SEMICONDUCTOR COMPONENTS INDUSTRIES, LLC
INTELLECTUAL PROPERTY DEPT. - A700
5005 E. MCDOWELL ROAD, P.O.BOX 62890
PHOENIX, AZ 85082

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APR 23 2009

OFFICE OF PETITIONS

In re Application of :
Prasad **VENKATRAMAN, et al.** :
Application No. 11/624,560 : DECISION ON PETITION
Filed: January 18, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **ONS00531D01** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 3, 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 March 2, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed December 2, 2008. Accordingly, the date of abandonment of this application is March 3, 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, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant	: Ludwig Kesternich	: DECISION ON REQUEST FOR
Patent Number	: 7666280	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/624,569	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/18/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **323** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Gerald L. Dybsetter	: DECISION ON REQUEST FOR
Patent Number	: 7657680	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/624,582	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/18/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/624,591	01/18/2007	Mutsuya Ii	10060008-1	6926

7590 12/11/2009

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

EXAMINER	
REARDON, ROCHELLE D	

ART UNIT	PAPER NUMBER
3737	

NOTIFICATION DATE	DELIVERY MODE
12/11/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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FISH & RICHARDSON P.C.
P.O BOX 1022
MINNEAPOLIS MN 55440-1022

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JUN 25 2007

OFFICE OF PETITIONS

In re Application of :
PAUL GOODWIN et al. :
Application No. 11624,608 :
Filed: January 18, 2007 :
Attorney Docket No. **21260-031002** :

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 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 a copy of James Cady's driver's license 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 2841 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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OCT 23 2007

OFFICE OF PETITIONS

GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER, NH 03101

In re Application of :
Cody et al. :
Application No. 11/624,609 : Decision According Status
Filed: January 18, 2007 : Under 37 CFR 1.47(a)
Attorney Docket No. C&A119U :
For: Sliding Armrest :

This is a decision on the petition under 37 CFR 1.47(a), filed July 12, 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.

A petition under 37 CFR 1.47 requires payment of a $200 petition fee. Therefore, the Office has charged $200 to petitioner's deposit account.

Technology Center Art Unit 3636 will be informed the declaration has been accepted without the signature of inventor Montesi 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

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/624,619	01/18/2007	Jun Matsuda	ION2.008AUS	6978

20995 7590 10/31/2008

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

EXAMINER	
ART UNIT	PAPER NUMBER
1791	

NOTIFICATION DATE	DELIVERY MODE
10/31/2008	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):

jcartee@kmob.com
eOAPilot@kmob.com

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

In re Application of
Jun MATSUDA, et al.
Application No.: 11/624,619
Filed: 01/18/2007
Attorney Docket No.: ION2.008AUS

For: APPARATUS AND METHOD FOR DETECTING AN INTERNAL MECHANICAL FAILURE OCCURRING IN A TIRE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 9 September 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must

a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

   Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

* * * * * * *

Conditions (1)-(5), and (7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (1) above.

Regarding the requirement of condition (1), the applicant has provided an IDS listing the documents cited by the JPO examiner in the JPO office action, and translations of the documents cited by the JPO examiner. The applicant has not provided copies of the documents cited by the JPO examiner in the JPO office action.

A proper response in this case must include:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application); and,
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

CONCLUSION

For the above reasons, the "Request for Participation in the Patent Prosecution Highway (PPH) Program Between the JPO and the USPTO" filed 9 September 2008 is **DISMISSED** without prejudice.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

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

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/624,619	01/18/2007	Jun Matsuda	ION2.008AUS	6978

20995 7590 02/04/2009
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
ALLEN, ANDRE J	

ART UNIT	PAPER NUMBER
2855	

NOTIFICATION DATE	DELIVERY MODE
02/04/2009	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):

jcartee@kmob.com
eOAPilot@kmob.com

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

In re Application of
Jun MATSUDA, et al.
Application No.: 11/624,619
Filed: 01/18/2007
Attorney Docket No.: ION2.008AUS

For: APPARATUS AND METHOD FOR DETECTING AN INTERNAL MECHANICAL FAILURE OCCURRING IN A TIRE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 9 September 2008, and request for reconsideration to participate in the PPH program, filed 1 December 2008, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

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

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;

3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

* * * * * * *

This request to participate in the PPH program and petition fails to satisfy at least condition 6 above. The applicant has not provided copies of the documents cited by the JPO examiner in the JPO office action.

CONCLUSION

For the above reasons, the "Request for Participation in the Patent Prosecution Highway (PPH) Program Between the JPO and the USPTO" filed 9 September 2008, and request for reconsideration to participate in the PPH program, filed 1 December 2008 is **DENIED**.

The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for participation in the Patent Prosecution Highway (PPH) pilot program in this application will not be entertained.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

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

Michael Day
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

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GEORGE S. LEVY
3980 DEL MAR MEADOWS
SAN DIEGO CA 92130

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AUG 10 2007

OFFICE OF PETITIONS

In re Application of :

ABRAHAM J. SACKS et al. :
Application No. 11/624,649 : DECISION ON PETITION
Filed: January 18, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **070101** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 19, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Abraham Sacks, 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 1742 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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

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MAY 09 2008

OFFICE OF PETITIONS

In re Application of :
Katwala, et al. :
Application No.: 11/624,657 : ON PETITION
Filed: January 18, 2007 :
Attorney Docket No. 40000139-0001-002 :

This is in response to the petition under 37 CFR 1.137(b) filed December 20, 2007.

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

A "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office on February 12, 2007, allowing a shortened period of reply of two-months from its mailing date. Extensions of time set for reply were available pursuant to 37 CFR 1.136(a). The Notice required an oath or declaration to be filed and $65.00 surcharge for the late filing of the same. A response was not received within the allowable period, and the application became abandoned on April 13, 2007. A Notice of Abandonment was mailed on October 29, 2007.

The declaration and surcharge filed December 20,2 007, are noted.

This application is being directed to the Office of Patent Application Processing for further review.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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DEC 07 2009

OFFICE OF PETITIONS

GONZALES PATENT SERVICES
4605 CONGRESS AVE, NW
ALBUQUERQUE, NM 87114

In re Application of :
Andrew Stephen Van Luchene :
Application No. 11/624,659 : DECISION ON PETITION
Filed: January 18, 2007 : TO WITHDRAW
Attorney Docket No. 3105203 : FROM RECORD
:

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 5, 2009.

The request is **APPROVED**.

The request was signed by Ellen Gonzales on behalf of the practitioners of record associated with Customer Number 55297.

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

All future correspondence will be directed to inventor Andrew Stephen Van Luchene at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Andrew Van Luchene
1012 Marquez Pl., #205a
Santa Fe, NM 87505

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
11/624,659	01/18/2007	Andrew Stephen Van Luchene	3105203

CONFIRMATION NO. 7044

52297
GONZALES PATENT SERVICES
4605 CONGRESS AVE. NW
ALBUQUERQUE, NM 87114

POWER OF ATTORNEY NOTICE

OC000000039062109

Date Mailed: 12/07/2009

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.

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/624,659	01/18/2007	Andrew Stephen Van Luchene	3105203

CONFIRMATION NO. 7044

Andrew Van Luchene
1012 Marquez Pl., #205a
Santa Fe, NM 87505

POA ACCEPTANCE LETTER

OC000000039062148

Date Mailed: 12/07/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/05/2009.

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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DEC 07 2009

OFFICE OF PETITIONS

GONZALES PATENT SERVICES
4605 CONGRESS AVE, NW
ALBUQUERQUE, NM 87114

In re Application of :
Andrew Stephen Van Luchene et al :
Application No. 11/624,662 : DECISION ON PETITION
Filed: January 18, 2007 : TO WITHDRAW
Attorney Docket No. 3108202 : FROM RECORD
:

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 5, 2009.

The request is **APPROVED**.

The request was signed by Ellen Gonzales on behalf of the practitioners of record associated with Customer Number 55297.

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

All future correspondence will be directed to inventor Andrew Stephen Van Luchene at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Andrew Van Luchene
1012 Marquez Pl., #205a
Santa Fe, NM 87505

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/624,662	01/18/2007	Andrew Stephen Van Luchene	3108202

CONFIRMATION NO. 7050

52297
GONZALES PATENT SERVICES
4605 CONGRESS AVE. NW
ALBUQUERQUE, NM 87114

POWER OF ATTORNEY NOTICE

Date Mailed: 12/07/2009

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.

/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
11/624,662	01/18/2007	Andrew Stephen Van Luchene	3108202

CONFIRMATION NO. 7050

Andrew Van Luchene
1012 Marquez Pl., #205a
Santa Fe, NM 87505

POA ACCEPTANCE LETTER

OC00000039091754

Date Mailed: 12/07/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/05/2009.

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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Kunzler & McKenzie
8 EAST BROADWAY
SUITE 600
SALT LAKE CITY UT 84111

COPY MAILED

JUN 0 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Farrell W. Edwards et al.	:	
Application No. 11/624,672	:	DECISION ON PETITION
Filed: January 18, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 2215.2.4	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 18, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2821 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Jackson & Co., LLP
6114 La Salle Avenue
#507
Oakland, CA 94611-2802

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APR 22 2008

OFFICE OF PETITIONS

In re Application of	:	
Stefan Petrescu et al.	:	
Application No. 11/624,683	:	DECISION ON PETITION
Filed: January 18, 2007	:	TO WITHDRAW
Attorney Docket No. FN185	:	FROM RECORD
	:	

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 17, 2007.

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

A review of the file record indicates that the power of attorney to Jackson & Co., LLP has been revoked by the assignee of the patent application on November 27, 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: **FotoNation**
IP Dept.
800 Airport Blvd.
Suite 522
Burlingame, CA 94010

26 NOV 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

26 NOV 2007

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

MYERS WOLIN, LLC
100 HEADQUARTERS PLAZA
North Tower, 6th Floor
MORRISTOWN NJ 07960-6834

In re Application of	:	
LIBERATTORE, Raymond A.,	:	DECISION ON
Application No.: 11/624,690	:	
Filing Date: 18 January 2007	:	PETITION
Attorney Docket No.: LIBE 174	:	
For: SPREADER	:	UNDER 37 CFR 1.137(b)

Applicant's petition under 37 C.F.R. 1.137(b), filed in the United States Patent and Trademark Office on 18 January 2007 is **GRANTED**.

BACKGROUND

On 18 January 2007, applicant filed, *inter alia,* a transmittal letter for a continuation application accompanied by this petition.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate petition fee has been paid. A proper response in the form of a continuing application under 35 U.S.C. 111(a) has been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive international application PCT/US2004/024561 abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application number 11/624,690.

This application is being referred to the Office of Patent Application Processing for processing as a regular U.S. application under 35 U.S.C. 111(a).

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/624,713	01/19/2007	Masahiro YOKOTA	302147US2SCONT	7146

7590 03/11/2008

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

EXAMINER	
PATEL, NIMESHKUMAR D	

ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
03/11/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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www.uspto.gov

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

Mail Date: 04/21/2010

Applicant	: Tetsuya Ohshima	: DECISION ON REQUEST FOR
Patent Number	: 7580181	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/624,741	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **238** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Richard Ulrich	: DECISION ON REQUEST FOR
Patent Number	: 7667602	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/624,779	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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MAY 23 2008

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
Jeffrey M. Tyler	:
Serial No.: 11/624,842	: PETITION DECISION
Filed: January 19, 2007	:
Attorney Docket No.: 1760-361	

This is in response to the petition under 37 CFR § 1.59(b), filed May 14, 2008, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on May 14, 2008, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Applicant may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

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.
11/624,842	01/19/2007	Jeffrey M. Tyler	1760-361	7380

32905 7590 01/26/2009

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
KUBELIK, ANNE R	

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
01/26/2009	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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JAN 26 2009

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
Jeffrey M. Tyler
Serial No.: 11/624,842
Filed: January 19, 2007
Attorney Docket No.: 1760-361

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed January 14, 2009, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on January 14, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/624,842	01/19/2007	Jeffrey M. Tyler	1760-361	7380

32905 7590 08/24/2009

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
KUBELIK, ANNE R	

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
08/24/2009	PAPER

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

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

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AUG 2 4 2009

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
Jeffrey M. Tyler
Serial No.: 11/624,842
Filed: January 19, 2007
Attorney Docket No.: **1760-361**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed July 24, 2009, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on January 14, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/624,856	01/19/2007	Jeffrey M. Tyler	1760-362	7409

32905 7590 06/06/2008

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
KUBELIK, ANNE R	

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
06/06/2008	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.

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JUN 0 6 2008

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
Jeffrey M. Tyler
Serial No.: 11/624,856
Filed: January 19, 2007
Attorney Docket No.: 1760-362

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed May 29, 2008, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on May 29, 2008, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/624,856	01/19/2007	Jeffrey M. Tyler	1760-362	7409

32905 7590 01/26/2009

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
KUBELIK, ANNE R	

ART UNIT	PAPER NUMBER
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MAIL DATE	DELIVERY MODE
01/26/2009	PAPER

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JAN 26 2009

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
Jeffrey M. Tyler
Serial No.: 11/624,856
Filed: January 19, 2007
Attorney Docket No.: 1760-362

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed January 14, 2009, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on January 14, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/624,856	01/19/2007	Jeffrey M. Tyler	1760-362	7409

32905 7590 08/24/2009

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
KUBELIK, ANNE R	

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
08/24/2009	PAPER

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

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

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AUG 24 2009

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
Jeffrey M. Tyler
Serial No.: 11/624,856
Filed: January 19, 2007
Attorney Docket No.: **1760-362**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed July 24, 2009, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on January 14, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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MAR 2 - 2007

Technology Center 2100

February 24, 2007

MORGAN, LEWIS & BOCKIUS, LLP.
2 PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO CA 94306

In re Application of:
Ludwig, ET AL.
Serial No.: 11/624,860
Filed: January 19, 2007
Docket: 063330-5040-US

Title: **NETWORKED AUDIO COMMUNICATION WITH LOGIN LOCATION INFORMATION**

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 1/19/07 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I to II.5.1, II.5.3, II.6.2, II.6.4 and II.6.6 above are considered to have been met. However, the petition fails to comply with conditions II.5.2, II.6.1, II.6.3 and II.6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02 II.5.2, the petition does not include a sufficient preexamination search because the search is not directed to the claimed invention and does not encompass all of the features of the claims, giving the claims the broadest reasonable expectation.

Specifically in the USPTO EAST search the search does not include the relevant search terms "display", "video", "data conferencing" of claim 1; "icon" of claim2; "not logged in" of claim 3; "capability" of claim 4; "audio, video, snapshot sharing, conference, file sharing, and data conferencing" of claim 5; "registered" of claim 6; and "wireless" of claim 11. In addition, the Petitioner should also include related words or phrase to the above search terms. For example, the search term "registering" could be "register" or "registered" or "registers" or "registration".

With respect to the Dialog search the search does not include the relevant search terms "display", "video", "data conferencing", "directory" of claim 1; "icon" of claim2; "not logged in" of claim 3; "capability" of claim 4; "audio, video, snapshot sharing, conference, file sharing, and data conferencing" of claim 5; "registered" of claim 6; and "wireless" of claim 11. In addition, the Petitioner should also include related words or phrase to the above search terms. For example, the search term "registering" could be "register" or "registered" or "registers" or "registration".

With respect to the "Searches by Global Prior Art Inc.", it is unclear whether search logic was used to search the magazines, journals, symposiums, books and conference proceeding records or that they were searched in their entirety. Clarification is required. As per the INSPEC/COMPENDEX database search, the Petitioner has not included the search logic or sequence used as a query. The search logic or sequence used as a query is required by II.5 when searching a database.

With respect to the non-patent literature search which was performed by the USPTO in a related case, pages 15 and 16 of the statement of preexamination search, it does not include relevant search terms such as outlined in the deficiencies of the USPTO EAST search in combination with the related words or phrases. Also, the non-patent literature search which was performed by the USPTO in a related case (pages 15 and 16 of the statement of preexamination search) it is unclear whether applicant wishes to use the USPTO search to fulfill the requirements of section (II) 5.2 above. Clarification is requested.

It is noted that the recordation of the USPTO commercial database search does not include relevant search terms such as outlined in the deficiencies of the USPTO EAST search in combination with the related words or phrases, apparently since the subject matter claimed in 10/722,051 is substantially different from that claimed in the instant application. Further it is unclear why the references relied upon by the examiner of 10/722,051 (subsequently cited in 10/721,385 and 10/721,343 by the examiner) were deemed not to be closely related to the instant invention, while the search conducted by USPTO was apparently deemed to be relevant to the subject matter of the claimed

invention in the instant application. The fact that upon reviewing the USPTO search applicant has found all references relied upon by the examiner therein not to be relevant to the claimed subject matter in the instant application, appears to serve as further evidence that the USPTO search is not directed to the invention claimed in this application and thus does not comply with the requirement of section (II) 5.2 above. Clarification is requested.

Also, on page 6 of the Pre-examination Search Document, the Petitioner makes the statement "The results of the searches were reviewed". However, it is not clear who reviewed the search. It is unclear whether this statement is intended to indicate that applicant has duplicated the examiner's classified search and the non patent literature search, and has reviewed all documents found as a result thereof, since the recordation of examiner's search does not appear to readily identify any documents for review, only indicates the number of documents meeting the search criteria at best. Clarification is required.

The Petitioner has cited 10/721,051 and 10/741,385 as being relevant to current application, however the above application numbers are not correct. They should be 10/722,051 and 10/721,385 respectively.

Regarding the requirement of MPEP § 708.02 II.6.1, the petition does not appear to include 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. The claims of related applications 10/721,385, 10/721,343, 10/721,905 and 10/722,051 claim common subject matter as the instant application but the Petitioner has failed to include the references which were used during prosecution to reject those claims. The Petitioner on one hand uses the examiner's NPL search as a preexamination search, which the Petitioner states encompasses all of the features of the present application's claims, and on the other hand fails to cite references that were used to reject the claims of those related applications. Since the related application's claims encompass all of the features of the present application's claims, it appears the references used to reject the claims of the related applications are also deemed relevant. The Petitioner is required to clarify on this matter by explaining why those references are not deemed most closely related to the subject matter of each of the claims.

Regarding the requirement of MPEP § 708.02 II.6.3, the petition's "Statement of Patentability" (page 17 of the support document) is not a detailed explanation of how each of the claims are patentable over the references cited. Specifically, the Petitioner's discussion of why the claims are patentable only states that "no single reference teaches all of the claim limitations of the independent claims ... it is not obvious to combine the references to derive the claimed invention" and does not discuss any limitations. It is suggested that the Petitioner specifically state which claim limitations are not taught by any of the references and that those limitations are patentable over the references cited.

Regarding the requirement of MPEP § 708.02 II.6.5, the petition does not include 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.** The instant application claims the benefit of one or more applications under title 35, United States Code to the following applications: 11/265,059; 09/702,737; 08/994,848; 08/660461 and 08/131,523 and must include a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification for each of these applications. The Petitioner's statement that the applications are identical in substance to the current application is not sufficient. The Petitioner should review the applications which priority is claimed, point out any differences and show where their specification show support under 35 USC, first paragraph.

DECISION

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

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to John Follansbee, at (571) 272-3964.

John Follansbee
WQAS Technology Center 2100

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APR 18 2007

April 16, 2007

Technology Center 2100

MORGAN, LEWIS & BOCKIUS, LLP.
2 PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO CA 94306

In re Application of:
Ludwig, ET AL.
Serial No.: 11/624,860
Filed: January 19, 2007
Docket: 063330-5040-US

Title: **NETWORKED AUDIO COMMUNICATION WITH LOGIN LOCATION INFORMATION**

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 renewed petition filed on April 2, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on January 19, 2007 was dismissed in the decision mailed on March 2, 2007.

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

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

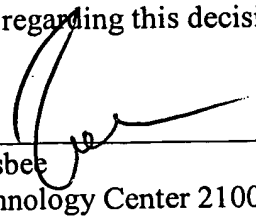
   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to John Follansbee, at (571) 272-3964.



John Follansbee
WQAS Technology Center 2100

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3000 EL CAMINO REAL
PALO ALTO, CA 94306

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FEB 26 2008

OFFICE OF PETITIONS

In re Application of :
Lester F. Ludwig et al :
Application No. 11/624,860 : ON PETITION
Filed: January 19, 2007 :
Attorney Docket No. 063330-5040US

This is a decision on the petition, filed February 25, 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 11, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2153 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

In re Application of :
Helen Lee et al :
Application No. 11/624,861 : DECISION ON PETITION
Filed: January 19, 2007 : TO WITHDRAW
Attorney Docket No. 00486-8033.US01 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed May 13, 2010.

The request is **NOT APPROVED**.

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

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Diana D. Brehob	:	
Application No. 11/624892	:	
Filing or 371(c) Date: 01/19/2007	:	
Attorney Docket Number:	:	DECISION
81153678	:	ON PETITION

This is a decision on the "Petition Under 37 C.F.R. §1.57(a)." filed September 24, 2007 in response to a Notice of Incomplete Application, requesting a priority date of August 31, 2005 based upon a priority claim. The petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

The petition is granted to the extent indicated below.

Background

Application papers in the above-identified application were deposited on January 19, 2007. However, on August 21, 2007, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had NOT been accorded a filing date because the specification was missing. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted specification and drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Applicable Law, Rules and MPEP

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Petition under 37 CFR 1.57(a)

37 CFR § 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).

Priority claim under 37 CFR 1.78

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.

Analysis

Applicant has included a proper priority claim to nonprovisional application 11/216978 in the specification filed with the application papers on January 19, 2007. 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 January 19, 2007, may be accorded the present application. A preliminary amendment to add the inadvertently omitted material is required[2].

[2] Applicant filed a copy of the specification, claims, abstract, drawings and oath and declaration; however, a preliminary amendment is required. See, 37 CFR 1.57(a)(1).

Conclusion

This application is being forwarded to the Office of Patent Application Processing for further processing, with the filing date of January 17, 2007.

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

Anthony Knight
Supervisor
Office of Petitions

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United States Patent and Trademark Office
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GIFFORD, KRASS, SPRINKLE,
ANDERSON & CITKOWSKI, P.C.
P.O. BOX 7021
TROY, MI 48007-7021

Mail Date: 04/21/2010

Applicant	: Kevin L. Gilleo	: DECISION ON REQUEST FOR
Patent Number	: 7658436	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/624,896	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **549** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

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OCT 10 2008

OFFICE OF PETITIONS

In re Application of :
Schaper, et al. :
Application No. 11/624,914 : ON PETITION
Filed: January 19, 2007 :
Attorney Docket No. ACUT-1-1004 :
For: GENERATOR CONTROLLER

This is a decision on the petition under 37 CFR 1.181, filed August 14, 2008, requesting that the Office withdraw the holding of abandonment of the above-identified application.

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

This application was held abandoned for failure to respond in a timely manner to the Notice to File Corrected Application Papers, mailed February 12, 2007, which set forth an extendable two (2) month period to submit a substitute specification that covers the changes in the preliminary amendment filed on January 19, 2007. Applicants filed a reply on February 27, 2007, which was deemed incomplete in a Notice of Incomplete Reply, mailed on March 7, 2007. On April 3, 2007 applicants filed another reply. The reply was deemed incomplete in a Notice of Incomplete Reply, mailed on April 17, 2007. On May 4, 2007, applicants filed another reply and a one month extension of time. On July 9, 2008 the Office mailed a Notice of Abandonment stating that the application was abandoned for failure to timely or properly reply to the February 12, 2007 Notice to File Corrected Application Papers.

Petitioners request withdrawal of the holding of abandonment based on the assertion that a timely and proper reply was received in the Office on May 4, 2007. The undersigned finds this argument completely convincing, as a substitute specification is present in the application file and Office financial records shows that the $60.00 one month extension of time fee was charged on May 7, 2007. The mailroom date for the payment was May 4, 2007. For unknown reasons, the $60.00 extension of time fee was later refunded as an overpayment on accounting date May 16, 2008. The refund was made in error. The one month extension of time was not an overpayment, as Office financial records indicate. Instead, it was necessary to make the May 4, 2007 reply timely filed.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the July 9, 2008 Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter.

Regarding finances, deposit account no. 50-1050 will be charged the $60.00 one month extension of time that was erroneously refunded. In addition, a review of Office financial records indicates that applicants paid a $230.00 two month extension of time on April 16, 2008. For unknown reasons, $60.00 of the $230.00 paid was refunded. As the full $230.00 two month extension of time was required to make the April 16, 2008 reply to the January 16, 2008 Restriction Requirement timely filed, deposit account no. 50-1050 will be charged $60.00 again.

Accordingly, the application file will be returned to the Office of Patent Application Processing for further processing and then the application will be returned to Technology Center AU 2838 for consideration of the election filed on April 16, 2008.

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

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

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AT&T LEGAL DEPARTMENT – MOAZZAM
ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT&T WAY
BEDMINSTER NJ 07921

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OFFICE OF PETITIONS

In re Application of :
Sadie LOWRY, et al :
Application No. 11/624,934 :
Filed: January 19, 2007 :
Attorney Docket No. 060376; AT1-176 :

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 2, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because the attorneys of record were not appointed by registration numbers, as indicated.

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: JERAMIE J. KEYS
P.O. BOX 71355
MARIETTA, GA 30007-1355

UNITED STATES PATENT AND TRADEMARK OFFICE

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ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT&T WAY
BEDMINSTER NJ 07921

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OFFICE OF PETITIONS

In re Application of	:	
Sadie LOWRY, et al	:	CORRECTED
Application No. 11/624,934	:	DECISION ON PETITION
Filed: January 19, 2007	:	TO WITHDRAW
Attorney Docket No. 060376; AT1-176		FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 2, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because the attorneys of record were not appointed by registration numbers, as indicated. Since the attorneys of record were, however, appointed by a Customer Number, any deletion of a practitioner from the list of persons associated with the Customer Number should be done by way of a Request for Customer Number Data Change (PTO/SB/124) and not a Request for Withdrawal of Attorney or Agent and Change of Correspondence Address (Form PTO/SB/83). Please see the Manual of Patent Examining Procedure (MPEP) Section 403(I).

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: JERAMIE J. KEYS
P.O. BOX 71355
MARIETTA, GA 30007-1355

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JUL 18 2008

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
Jeffrey M. Tyler	:
Serial No.: 11/624,946	: PETITION DECISION
Filed: January 19, 2007	:
Attorney Docket No.: 1760-363	

This is in response to the petition under 37 CFR § 1.59(b), filed May 29, 2008, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on May 22, 2008, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/624,946	01/19/2007	Jeffrey M. Tyler	1760-363	7589

32905 7590 10/29/2008

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
KUBELIK, ANNE R	

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
10/29/2008	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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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

OCT 2 9 2008

In re Application of :
Jeffrey M. Tyler
Serial No.: 11/624,946
Filed: January 19, 2007
Attorney Docket No.: **1760-363**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed October 24, 2008, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on May 29, 2008 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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

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AUG 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Michael P. Arend et al.	:	
Application No. 11/624,949	:	DECISION ON PETITION
Filed: January 19, 2007	:	TO WITHDRAW
Attorney Docket No. **310477-1061**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 14, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Antionette F. Konski does not have power of attorney or was ever given power of attorney in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

It is also noted that the request does not contain the address for the first named inventor nor the assignee of record was not provided in the request. The Office will only accept changes to the most current address information provided for the assignee of the entire interest that properly became of record under 37 CFR 3.71 or, the most current address of the first named inventor.

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by the applicant.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

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MURATA MANUFACTURING COMPANY, LTD.
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Koji HAYASHI	: DECISION ON REQUEST FOR
Patent Number	: 7629581	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/624,953	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :	:
Jeffrey M. Tyler	:
Serial No.: 11/624,969	: PETITION DECISION
Filed: January 19, 2007	:
Attorney Docket No.: 1760-364	

This is in response to the petition under 37 CFR § 1.59(b), filed January 26, 2008, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on January 28, 2008, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Applicant may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/624,969	01/19/2007	Jeffrey M. Tyler	1760-364	7625

32905 7590 03/31/2009
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
BAUM, STUART F	

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
03/31/2009	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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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

MAR 3 1 2009

In re Application of:
Jeffrey M. Tyler
Serial No.: 11/624,969
Filed: January 19, 2007
Attorney Docket No.: 1760-364

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed March 27, 2009, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on January 28, 2008 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

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SEP 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Gene S. Fein, et al.	:	
Application No. 11/624,987	:	DECISION GRANTING PETITION
Filed: January 19, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 4122.1006-000	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 18, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application is being referred to Technology Center AU 2834 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams
Petitions Examiner
Office of Petitions

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

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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

MAILED

APR 30 2009

OFFICE OF PETITIONS

In re Application of
Marion Lynn Farmer
Application No. 11/624,996
Filed: January 19, 2007
Attorney Docket No. 170601-1010

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed March 25, 2008, 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 delay in responding is regretted; however, the petition was recently referred to the Office of Petitions for consideration.

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on January 16, 2008. 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 August 6, 2009 accompanies this decision on petition.

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

This application is being referred to Technology Center Art Unit 3781 for further examination on the merits.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/624,996	01/19/2007	Marion Lynn Farmer	170601-1010

CONFIRMATION NO. 7670

24504
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

NONPUBLICATION RESCISSION LETTER

Date Mailed: 04/28/2009

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 08/06/2009.

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".

/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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/625,011	01/19/2007	Larry D. Knerr	1484-021	7692

32905 7590 07/06/2009

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
KRUSE, DAVID H	

ART UNIT	PAPER NUMBER
1638	

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.

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JUL 0 6 2009

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
Larry D. Knerr
Serial No.: 11/625,011
Filed: January 19, 2007
Attorney Docket No.: **1484-021**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed June 18, 2009, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on June 18, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/625,011	01/19/2007	Larry D. Knerr	1484-021	7692

32905 7590 08/31/2009

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
KRUSE, DAVID H	
ART UNIT	**PAPER NUMBER**
1638	

MAIL DATE	DELIVERY MODE
08/31/2009	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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AUG 3 1 2009

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
Larry D. Knerr
Serial No.: 11/625,011
Filed: January 19, 2007
Attorney Docket No.: **1484-021**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed August 27, 2009, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on June 18, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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KILPATRICK STOCKTON LLP -
46872
J. STEVEN GARDNER
1001 WEST FOURTH STREET
WINSTON-SALEM NC 27101

MAILED

JUL 14 2010

OFFICE OF PETITIONS

In re Application of :
Cooper et al. :
Application No. 11/625,019 : ON APPLICATION FOR
Filed: January 19, 2007 : PATENT TERM ADJUSTMENT
Atty Docket No. 043790/322985 :

This is in response to the PETITION REGARDING PATENT TERM ADJUSTMENT (PTA) INDICATED in NOTICE OF ALLOWANCE, filed June 29, 2010. The petition will be treated under 37 CFR § 1.705(b). Applicants submit that the correct patent term adjustment to be indicated on the patent is four hundred ninety-eight (498) days[1], not two hundred eighteen (218) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

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

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office

[1] This calculation is based on a projected issuance date of October 26, 2010.

can not make a determination on the correctness of the patent term adjustment until the patent has issued.

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

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee[2].

The $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b) will be charged to deposit account no. 11-0855.

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

---

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER, CO 80202-5647

In re Application of :
Matthew T. Jarman :
Application No. 11/625,071 : DECISION ON PETITION
Filed: January 30, 2007 : TO WITHDRAW
Attorney Docket No. 187363/US/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 November 18, 2009.

The request is **APPROVED**.

The request was signed by Gregory P. Durbin on behalf of the practitioners of record associated with Customer Number 20686.

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

There is an outstanding Office action mailed January 22, 2010 that requires a reply from the applicant.

All future correspondence will be directed to assignee Clearplay, Inc. at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: ClearPlay, Inc.
c/o Lee Jarman
5284 South Commerce Drive, Suite C-134
Salt Lake City, UT 84107

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/625,071	01/19/2007	Matthew T. Jarman	187363/US/2

CONFIRMATION NO. 7811

POWER OF ATTORNEY NOTICE

20686
DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER, CO 80202-5647

Date Mailed: 02/18/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/18/2009.

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

/idingle/

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/625,071	01/19/2007	Matthew T. Jarman	187363/US/2

CONFIRMATION NO. 7811

ClearPlay, Inc.
c/o Lee Jarman
5284 South Commerce Drive, Suite C-134
Salt Lake City, UT 84107

POA ACCEPTANCE LETTER

OC000000040138498

Date Mailed: 02/18/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/18/2009.

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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RUTAN & TUCKER, LLP.
611 ANTON BLVD, SUITE 1400
COSTA MESA, CA 92626

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NOV 10 2008

In re Application of :
WISE, et al. :
Application No. 11/625,072 : DECISION ON PETITION TO
Filed: January 19, 2007 : WITHDRAW FROM RECORD
Attorney Docket No. **101332.0002US2** :

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 18, 2008.

The request is **APPROVED**.

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

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

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **KELLEY WISE**
P.O. BOX 18749
ANAHEIM, CA 92817-8749

cc: **ROBERT FISH**
FISH & ASSOCIATES PC
2603 MAIN STREET, SUITE 1050
IRVINE, CA 92614

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OFFICE OF PETITIONS

GRAY ROBINSON, P.A.
P.O. Box 2328
FT. LAUDERDALE FL 33303-9998

In re Application of :
Sven Kureti et al. :
Application No. 11/625,108 : DECISION ON PETITION
Filed: January 19, 2007 :
Attorney Docket No. 72261.56 :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 29, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed June 29, 2009. Accordingly, the date of abandonment of this application is September 30, 2009. A Notice of Abandonment was mailed on October 15, 2009.

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

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

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

Carl Friedman
Petitions Examiner
Office of Petitions

cc: Donald S. Showalter, Esq.
Gray Robinson, P.A.
401 East Las Olas Boulevard
Suite 1850
Fort Lauderdale, FL 33303-9998

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

COPY MAILED

MAR 17 2008

In re Application of :
DEVRIES, Stanley et al. :
Application No. 11/625,144 : DECISION ON PETITION
Filed: January 19, 2007 : TO WITHDRAW
Attorney Docket No. **12780-043002** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 14, 2007.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, no longer employed at Fish & Richardson P.C., does not meet any the conditions set forth in 37 CFR 10.40.

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

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

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Joe A. Brock, II, Esq.
PATENT VENTURE GROUP
Suite 215
10788 Civic Center Drive
Rancho Cucamonga CA 91730

APR 16 2007

In re Application of: JAUNZEMIS et al.
Serial No.: 11/625,195
Filed: January 19, 2007
Title: TUMBLED, POLISHED, VIBRATED BROKEN TEMPERED GLASS PIECES

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 January 18, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable 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: 1-5, 5.1, 5.3, 6, 6.1, 6.2, 6.3, 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 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

When referring to "the petition" hereinbelow, the received papers under consideration include the four page PTO/SB/28 form, the "pre-examination search document" including pages 1-3; the "accelerated examination support document" comprising pages 1- 7 and an Information Disclosure Statement including form PTO/SB/08A(substitute PTO-1449).

Regarding the requirements of section II elements 5.2 outlined above, it appears the search outlined in the petition omitted critical search areas by not searching class 451 subclasses 32-35 and 366. Class 451 is the primary class for the claimed invention. An additional search in class 65 subclasses 104 and 141 is also warranted. Further, it is not clear from the search listing provided how the dependent claims were specifically searched for. For example, how was the air quench, temperature ranges or compression force ranges searched for? Note it has been assumed that the listed search in database MasterFILE Premier is a non-patent literature (NPL) search. This should be confirmed in any renewed petition. If this is not a NPL database, petitioner should address the lack of NPL searching or include such in the renewed search statement. Any renewed petition should include the above outlined additional searching.

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 all of 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 J. Harrison, TC 3700 Special Program Examiner, at (571) 272-4449.

J. Harrison
Special Program Examiner
Technology Center 3700

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Joe A. Brock, II, Esq.
PATENT VENTURE GROUP
Suite 215
10788 Civic Center Drive
Rancho Cucamonga CA 91730

MAY 23 2007

In re Application of: JAUNZEMIS et al. Serial No.: 11/625195 Filed: January 19, 2007 Title: TUMBLED, POLISHED, VIBRATED BROKEN TEMPERED GALSS PIECES	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02 (a)

This is a decision on the request for reconsideration of petition filed on May 16, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to J. Harrison, Special Program Examiner, at (571) 272-4449.

J. Harrison, Special Program Examiner
Technology Center 3700

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P.O. Box 1450
Alexandria, VA 22313-1450
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JUL 15 2008

OFFICE OF PETITIONS

HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE
7TH FLOOR
SAN DIEGO, CA 92122

In re Application of :
Leonard G. Presta :
Application No. 11/625,201 : DECISION ON PETITION
Filed: January 19, 2007 : TO WITHDRAW
Attorney Docket No. 39766-0223-R1C2.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 January 8, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Heller Ehrman, LLP has been revoked by the assignee of the patent application on February 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 undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: CATHERINE M. POLIZZI
MORRISON & FOERSTER, LLP
755 PAGE MILL ROAD
PALO ALTO, CA 94304-1018

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/625,201	01/19/2007	Leonard G. Presta	146392003902

CONFIRMATION NO. 8036

25226
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

POA ACCEPTANCE LETTER

OC000000030842600

Date Mailed: 07/08/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/19/2008.

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.

/blphoenix/

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

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

COPY MAILED

JAN 22 2008

OFFICE OF PETITIONS

In re Application of :
Liping Zhang et al. :
Application No. 11/625,210 :
Filed: January 19, 2007 :
Attorney Docket Number: M-16725 :
US :
Title: METHOD OF ELIMINATING :
TEMPERATURE INDUCED BAND :
SWITCHING IN ULTRA WIDEBAND :
VOLTAGE CONTROLLED OSCILLATOR

DECISION ON PETITION
UNDER 37 C.F.R. § 1.137(b)

This is a decision on the petition, pursuant to 37 C.F.R. § 1.137(b)[1], to revive the above-identified application, filed on October 9, 2007. A second copy of this petition was filed on December 17, 2007.

The Revocation of Power of Attorney, New Power of Attorney, and Change of Correspondence Address have been entered and made of record.

This petition is **DISMISSED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts

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

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

(notice), mailed February 12, 2007, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on April 13, 2007.

With the present petition, Petitioner has submitted the petition fee and has made the required statement of unintentional delay. A terminal disclaimer is not required.

As such, Petitioner has met requirements (2) and (3) of 37 C.F.R. § 1.137(b). The fourth requirement is not applicable.

Regarding the first requirement, Petitioner has not submitted the complete required reply to the notice. The required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed[2]. In order for the application to be revived, petitioner must submit a reply which satisfies 37 C.F.R. § 1.137(b)(1) (i.e., the replacement drawings that were required by the notice).

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

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[3], hand-delivery[4], or facsimile[5]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[6].

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

---

2 See M.P.E.P. § 711.03(c).

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 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

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

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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

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Paper No.

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

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MAR 28 2008

OFFICE OF PETITIONS

In re Application of :
Liping Zhang et al. :
Application No. 11/625,210 : DECISION ON RENEWED PETITION
Filed: January 19, 2007 : UNDER 37 C.F.R. § 1.137(b)
Attorney Docket Number: M-16725 :
US :
Title: METHOD OF ELIMINATING :
TEMPERATURE INDUCED BAND :
SWITCHING IN ULTRA WIDEBAND :
VOLTAGE CONTROLLED OSCILLATOR :

This is a decision on the renewed petition, pursuant to 37 C.F.R. § 1.137(b)[1], to revive the above-identified application, filed on February 21, 2008.

This renewed petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed February 12, 2007, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of

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

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on April 13, 2007.

The original petition was filed on October 9, 2007 and December 17, 2007, along with, *inter alia*, the petition fee and the required statement of unintentional delay. The petition was dismissed via the mailing of a decision on January 22, 2008, for failure to include the complete required reply to the notice (replacement drawings were not included with the petition).

With this renewed petition, Petitioner has submitted 6 pages of replacement drawings.

As such, each of the first three requirements of Rule 1.137(b) has been met. The fourth requirement is not applicable.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing.

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/
Paul Shanoski
Senior Attorney
Office of Petitions

---

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

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Norman P. Soloway
HAYES SOLOWAY P.C.
3450 E. Sunrise Drive, Suite 140
Tucson, AZ 85718

Mail Date: 04/21/2010

Applicant	: Tadashi SATOU	: DECISION ON REQUEST FOR
Patent Number	: 7618881	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/625,214	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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EGBERT LAW OFFICES
412 MAIN STREET, 7TH FLOOR
HOUSTON TX 77002

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DEC 04 2008

In re Application of

Thomas A. Marrs :

Application No. 11/625,219

: DECISION ON PETITION

Filed: January 19, 2007

:

Attorney Docket No. 1356-35

This is a decision on the petition under 37 CFR 1.137(b), filed November 14, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 17, 2008, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on July 18, 2008. A Notice of Abandonment was mailed November 4, 2008.

The amendment filed November 14, 2008, is noted.

The application is being forwarded to Technology Center 3700, GAU 3747 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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P.O. Box 1450
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SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

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JUN 25 2008

OFFICE OF PETITIONS

In re Application of :
Niraj Katwala, et al. :
Application No. 11/625,224 : ON PETITION
Filed: January 19, 2007 :
Attorney Docket No. 40000139-0002-002 :

This is a decision on the petition under 37 CFR 1.137(b), filed by December 20, 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 February 20, 2007. The notice set a two-month period to respond and required an oath or declaration under 37 CFR 1.63 and the requisite surcharge under 37 CFR 1.16(e). A Notice of Abandonment was mailed on November 1, 2007. In response, on December 20, 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 $65 surcharge; (2) the petition fee of $770; 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 December 20, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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GONZALES PATENT SERVICES
4605 CONGRESS AVE, NW
ALBUQUERQUE, NM 87114

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DEC 07 2009

OFFICE OF PETITIONS

In re Application of :
Andrew Stephen Van Luchene :
Application No. 11/625,225 : DECISION ON PETITION
Filed: January 19, 2007 : TO WITHDRAW
Attorney Docket No. 3105204 : FROM RECORD
:

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 5, 2009.

The request is **APPROVED**.

The request was signed by Ellen Gonzales on behalf of the practitioners of record associated with Customer Number 55297.

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

All future correspondence will be directed to inventor Andrew Stephen Van Luchene at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Andrew Van Luchene
1012 Marquez Pl., #205a
Santa Fe, NM 87505

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/625,225	01/19/2007	Andrew Stephen Van Luchene	3105204

CONFIRMATION NO. 8093

POWER OF ATTORNEY NOTICE

52297
GONZALES PATENT SERVICES
4605 CONGRESS AVE. NW
ALBUQUERQUE, NM 87114

Date Mailed: 12/07/2009

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.

/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
11/625,225	01/19/2007	Andrew Stephen Van Luchene	3105204

CONFIRMATION NO. 8093

Andrew Van Luchene
1012 Marquez Pl. #205a
Santa Fe, NM 87505

POA ACCEPTANCE LETTER

OC000000039104528

Date Mailed: 12/07/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/05/2009.

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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FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO CA 94108

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MAR 0 5 2007

OFFICE OF PETITIONS

In re Application of	:	
Zotter, et al.	:	DECISION GRANTING STATUS
Application No. 11/625,227	:	UNDER 37 CFR 1.47(a)
Filed: January 19, 2007	:	
Atty. Dkt. No.: BEAS-02006US1	:	
For: SIDE BY SIDE FOR WEB SERVICES	:	

This decision is in response to the petition under 37 CFR 1.47(a), filed January 19, 2007.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor has refused to execute the declaration for the above-identified application and/or cannot be reached or located for presentation and execution of same, and is thus unavailable.

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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Peter Dapkus
5241 Broadway Terrace
Oakland, CA 94618

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MAR 0 5 2007

OFFICE OF PETITIONS

In re Application of :
Zotter, et al. : LETTER
Application No. 11/625,227 :
Filed: January 19, 2006 :
Atty. Dkt. No.: BEAS-02006US1 :
For: SIDE BY SIDE FOR WEB SERVICES :

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

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Alexandria, VA 22313-1450
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4605 CONGRESS AVE, NW
ALBUQUERQUE, NM 87114

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DEC 14 2009

OFFICE OF PETITIONS

In re Application of :
Andrew Stephen Van Luchene :
Application No. 11/625,229 : DECISION ON PETITION
Filed: January 19, 2007 : TO WITHDRAW
Attorney Docket No. 3105205 : FROM RECORD
:

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 5, 2009.

The request is **APPROVED**.

The request was signed by Ellen Gonzales on behalf of the practitioners of record associated with Customer Number 55297.

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

All future correspondence will be directed to inventor Andrew Stephen Van Luchene at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Andrew Van Luchene
1012 Marquez Pl., #205a
Santa Fe, NM 87505

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/625,229	01/19/2007	Andrew Stephen Van Luchene	3105205

CONFIRMATION NO. 8099

52297
GONZALES PATENT SERVICES
4605 CONGRESS AVE. NW
ALBUQUERQUE, NM 87114

POWER OF ATTORNEY NOTICE

Date Mailed: 12/14/2009

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.

/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
11/625,229	01/19/2007	Andrew Stephen Van Luchene	3105205

CONFIRMATION NO. 8099

Andrew Van Luchene
1012 Marquez Pl., #205a
Santa Fe, NM 87505

POA ACCEPTANCE LETTER

OC000000039130695

Date Mailed: 12/14/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/05/2009.

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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HOLME ROBERTS & OWEN LLP
299 SOUTH MAIN
SUITE 1800
SALT LAKE CITY UT 84111

MAILED

FEB 17 2009

OFFICE OF PETITIONS

In re Application of :
Jackson, et al. :
Application No. 11/625,234 : ON PETITION
Filed: January 19, 2007 :
Attorney Docket No. 48589-01021 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed January 21, 2009.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a complete response to the Notice to File Missing Parts mailed February 12, 2007. This Notice set an extendable period for reply of two (2) months for applicants to submit the statutory filing fee, an oath or declaration, the surcharge for its late filing, the application search fee, application examination fee, and replacement drawings. On May 14, 2007, applicants paid the filing, search, and examination fees, and submitted replacement drawings and a 37 CFR 1.63 declaration. This reply was made timely by obtaining a one month extension of

time, and by the fact that May 12, 2007 fell on a Saturday. See 37 CFR 1.7(a). However, the reply did not include the surcharge for late filing of the declaration. Accordingly, the Office mailed a Notice of Incomplete Reply on May 18, 2007. This Notice informed applicants that they id not submit the surcharge, and stated that the period for reply would continue to run from the mailing date of the February 14, 2007 Notice to File Missing Parts. Applicants paid the surcharge on May 25, 2007. However, on this date, a two month extension of time would have been needed to make this reply timely. The last date the surcharge could have been submitted, with the maximum obtainable five month extension of time, would have been September 12, 2007. No further extension of time having been received, the application became abandoned on May 13, 2007. The Office mailed a Notice of Abandonment on January 13, 2009.[1]

For the reasons set forth above, the holding of abandonment was proper, and will not be withdrawn. Moreover, the Office can not retroactively accept a two month extension of time with the filing of the instant petition. The two month extension of time would have needed to been filed together with the surcharge of May 25, 2007.

While the showing of record is not sufficient to withdraw the holding of abandonment, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

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

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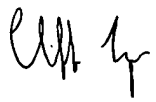
[1] The Notice of Abandonment indicated that no reply in response to the February 12, 2007 Notice to File Missing Parts had been received. The Notice of Abandonment should have instead indicated that a reply had been received, but it was not timely as it was not accompanied by the required two month extension of tiem.

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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HOLME ROBERTS & OWEN LLP
299 SOUTH MAIN
SUITE 1800
SALT LAKE CITY UT 84111

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Jackson, et al.	:	
Application No. 11/625,234	:	ON PETITION
Filed: January 19, 2007	:	
Attorney Docket No. 48589-01021	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed February 26, 2009.

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

The above-identified application became abandoned for failure to timely file a complete response to the Notice to File Missing Parts mailed February 12, 2007. This Notice set an extendable period for reply of two (2) months for applicants to submit the statutory filing fee, an oath or declaration, the surcharge for its late filing, the application search fee, application examination fee, and replacement drawings. On May 14, 2007, applicants paid the filing, search, and examination fees, and submitted replacement drawings and a 37 CFR 1.63 declaration. This reply was made timely by obtaining a one month extension of time, and by the fact that May 12, 2007 fell on a Saturday. See 37 CFR 1.7(a). However, the reply did not include the surcharge

for late filing of the declaration. Accordingly, the Office mailed a Notice of Incomplete Reply on May 18, 2007. This Notice informed applicants that they did not submit the surcharge, and stated that the period for reply would continue to run from the mailing date of the February 14, 2007 Notice to File Missing Parts. Applicants paid the surcharge on May 25, 2007. However, on this date, a two month extension of time would have been needed to make this reply timely. The last date the surcharge could have been submitted, with the maximum obtainable five month extension of time, would have been September 12, 2007. No further extension of time having been received, the application became abandoned on May 13, 2007. The Office mailed a Notice of Abandonment on January 13, 2009.[1] Applicants filed a petition withdraw the holding of abandonment on January 21, 2009. However, the petition was dismissed in a decision mailed on February 17, 2009.

With the instant petition, petitioner paid the petition fee and made the proper statement of unintentional delay. The required reply has been previously submitted.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

[1] The Notice of Abandonment indicated that no reply in response to the February 12, 2007 Notice to File Missing Parts had been received. The Notice of Abandonment should have instead indicated that a reply had been received, but it was not timely as it was not accompanied by the required two month extension of tiem.

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WORKMAN NYDEGGER
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

MAILED

APR 23 2009

OFFICE OF PETITIONS

In re Application of
Dale Trenton Smith
Application No. 11/625,238
Filed: January 19, 2007
Attorney Docket No. 16818.3

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, 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 R. Burns Israelsen on behalf of all attorneys of record who are associated with Customer Number 22913.

All attorneys/agents associated with the Customer Number 22913 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to 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: DALE SMITH, CORDLESS COMMUNICATIONS
612 MINDY WAY
SAN JOSE, CA 95123

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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
11/625,238	01/19/2007	Dale Trenton Smith	

CONFIRMATION NO. 8117

POWER OF ATTORNEY NOTICE

22913
Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

OC00000035640470

Date Mailed: 04/23/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/06/2009.

- 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
11/625,238	01/19/2007	Dale Trenton Smith	

CONFIRMATION NO. 8117

POWER OF ATTORNEY NOTICE

22913
Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

OC00000003564047O

Date Mailed: 04/23/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/06/2009.

- 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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Glenn Patent Group
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Menlo Park, CA 94025

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OFFICE OF PETITIONS

In re Application of
Shailesh Kumar et al.
Application No. 11/625,247
Filed: January 19, 2007
Attorney Docket No. ISAA0116

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 13, 2008.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, "Fair Isaac request to transfer . . .," 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, since no assignee has properly intervened in this application.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Shailesh Kumar
11197 Caminito Inocenta
San Diego, CA 92126

cc: Mintz, Levin, Cohn, Ferris, Glovsky
and Popeo, P.C.
Attn: James Cleary
9255 Towne Centre Drive, Suite 600
San Diego, CA 92121

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TOWNSEND TOWNSEND & CREW, LLP
TWO EMBARCDERO CENTER, EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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MAR 2 9 2010

OFFICE OF PETITIONS

In re Application of :
Allan LUM, et al. :
Application No. 11/625,248 :
Filed: January 19, 2007 :
Attorney Docket No. **WILAN-P00517US1** :

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 20, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **TOWNSEND TOWNSEND & CREW, LLP** has been revoked by the assignee of the patent application on January 14, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: **VOLPE AND KOENIG, PC**
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

UNITED STATES PATENT AND TRADEMARK OFFICE

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Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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MAR 2 9 2010

OFFICE OF PETITIONS

In re Application of	:	
Todd Sutton et al.	:	
Application No. 11/625,254	:	DECISION ON PETITION
Filed: January 19, 2007	:	TO WITHDRAW
Attorney Docket No. 026199-000600US	:	FROM RECORD
	:	

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 25, 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 Townsend and Townsend and Crew, LLP and all attorneys/agents associated with customer number 20350 have been revoked by the assignee of the patent application on March 10, 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: Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

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Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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MAR 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Todd Sutton	:	
Application No. 11/625,260	:	DECISION ON PETITION
Filed: January 19, 2007	:	TO WITHDRAW
Attorney Docket No. 026199-000900US	:	FROM RECORD
	:	

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 25, 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 Townsend and Townsend and Crew, LLP and all attorneys/agents associated with customer number 20350 have been revoked by the assignee of the patent application on March 10, 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: Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/625,261	01/19/2007	Aaron Rogahn	GP-307637-FCA-CHE	8161

EXAMINER	
KWON, ASHLEY M	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
03/03/2010	PAPER

65798 7590 03/03/2010

MILLER IP GROUP, PLC
GENERAL MOTORS CORPORATION
42690 WOODWARD AVENUE
SUITE 200
BLOOMFIELD HILLS, MI 48304

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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United States Patent and Trademark Office
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wk

Mailed : MAR 0 3 2010

In re Application of
Rogahn et. al.
Serial No. 11/625,261
Filed: January 19, 2007
For: Anode Air Purge Valve Design

: DECISION ON
: PETITION

This is a decision on the PETITION FILED UNDER 37 CFR 1.144.

The Examiner required a restriction between Group I, claims 1-11, drawn to a fuel cell stack with a purge valve and Group II, claims 12-16, drawn to a method for purging split stacks. Applicants elected Group I and the Examiner made the restriction requirement final in an Office Action mailed October 27, 2009.

The Examiner made the restriction because groups I and II were related as product and process of use and that the process for using the product as claimed can be practiced by another materially different product and/or the product as claimed can be used in a materially different process of using that product. The Examiner's position is that the purge valve of Group I could be used for any electrochemical cell and that the functional language of claim 7 shows that the product does not necessarily have to be used during shutdown of a split stack fuel cell as is required by the method.

Applicants' position is that all the claims are directed to a fuel cell stack. Applicants' position is based on the preamble language of claim 1 which states "for a fuel cell stack". This not found persuasive. The determination of whether a preamble limits a claim is made on a case-by-case basis in light of the facts in each case; there is no litmus test defining when a preamble limits the scope of a claim. *Catalina Mktg. Int'l v. Coolsavings.com, Inc.*, 289 F.3d 801, 808, 62 USPQ2d 1781, 1785 (Fed. Cir. 2002). If the body of a claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to claim construction. *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999).

Applicants further assert that the examples the Examiner sets forth, oxygen generators and electrolyzers are machines, not processes and therefore the Examiner has not shown that the purge valve can be used in a materially different process as required by

MPEP 806.05(h). Applicants also submit that the language of claim 7 has patentable significance as does the claim language in claim 12. Applicants reference MPEP 2173.05(g).

The Examiner cites oxygen generators and electrolyzers in the context of how the purge valve of claims 1-6 could be used for any electrochemical cell. A fuel call stack is not required for claim 1 and the valve in claim 1 can be used for any electrochemical cell. Claim 7 is a product claim and the language "at system shut-down" is not given patentable weight as oppose to the same language being given patentable weight in a method claim. A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used.

The record indicates that restriction for examination purposes was proper

DECISION

The petition is **DENIED.**

/JACQUELINE STONE/

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

John A. Miller
MILLER IP GROUP, PLC
GENERAL MOTORS CORPORATION
42690 WOODWARD AVENUE
SUITE 200
BLOOMFIELD HILLS MI 48304

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NORA M. TOCUPS
P.O. BOX 698
140 PINECREST AVE.
DECATUR GA 30030

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MAY 10 2010

OFFICE OF PETITIONS

In re Application of :
Dennis A. Rolleri et al :
Application No. 11/625,278 : DECISION ON PETITION
Filed: January 19, 2007 :
Attorney Docket No. 1202-0120 :

This is a decision on the petition, filed February 11, 2010, and supplemented on February 12, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply in a timely manner to the nonfinal rejection mailed February 5, 2009. A Notice of Abandonment was mailed on September 14, 2009.

Applicant files the present petition and states that a response was timely submitted by facsimile transmission on July 6, 2009. A review of the Office records indicates that an amendment accompanied by a two month extension of time was received in the USPTO on July 6, 2009. However, Finance records show that the credit card submitted with the request for a two (2) month extension of time on July 6, 2009 was DECLINED. No authorization was provided to charge to a deposit account number.

In view of the above, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810.00 (small entity) petition fee.

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

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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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VISTA IP LAW GROUP, LLP
2040 MAIN STREET
9TH FLOOR
IRVINE, CA 92614

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OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of :
Carla Mann Woods, et al. :
Application No. 11/625,281 : DECISION ON PETITION
Filed: January 19, 2007 : TO WITHDRAW
Attorney Docket No. 10527-783002 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 8, 2008.

The request is **NOT APPROVED**.

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

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

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

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

April M. Wise
Petitions Examiner
Office of Petitions

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Bryant R. Gold
Laura Haburay Bishop
25129 Rye Canyon Loop
Valencia, CA 91355

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JUL 09 2008

OFFICE OF PETITIONS

In re Application of	:	
Paul M. Meadows, et al.	:	
Application No. 11/625,283	:	DECISION ON PETITION
Filed: January 20, 2007	:	TO WITHDRAW
Attorney Docket No. 05-00474 (07)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 8, 2008.

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

A review of the file record indicates that the power of attorney to Bryant R. Gold and Laura Haburay Bishop 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 Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Vista IP Law Group LLP**
2040 Main Street, 9th Floor
Irvine, CA 92614

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NOV 2 0 2009

OFFICE OF PETITIONS

Elizabeth Havlin
1033 Sunset Blvd NE #17
Renton, WA 98056

In re Application of Havlin :
Application No. 11/625,304 : Decision on Petition
Filing Date: January 20, 2007 :
For: Hair Styling Tool, System, and :
Method of Use :

This is a decision on the petition under 37 CFR 1.137(b), filed June 24, 2009, to revive the above-identified application.

The petition is **granted**.

The Office mailed a Notice to File Corrected Application Papers on November 13, 2007. The Notice stated the line spacing for the specification, claims, and/or abstract was not 1½ or double spaced. The Notice required submission of a substitute specification and set an extendable time period for reply of two months.

A revised copy of the specification, claims, and abstract were filed April 17, 2008. However, the papers were untimely because the papers were not accompanied by payment for an extension of time.

Since a timely reply was never filed in response to the Notice, the application became abandoned on Tuesday, January 15, 2008. A Notice of Abandonment was mailed February 10, 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 to File Corrected Application Papers in the form of a revised specification, claims, and abstract. Petitioner has submitted the required petition fee of $810. 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 Patent Examination Policy will be informed of the instant decision and will further process the application.

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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James Lindon, Lindon & Lindon
35104 Saddle Creek
Avon OH 44011

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FEB 16 2010

OFFICE OF PETITIONS

In re Application of :
Deadwyler et al. :
Application No. 11/625312 :
Filing or 371(c) Date: 01/20/2007 :
Attorney Docket Number: : DECISION
1226 Pat : ON PETITION

This is a decision in response to the correspondence entitled "Information for Withdrawal of Abandonment PTO has no Evidence that Mailed Correspondence Received," filed August 14, 2009. The correspondence is properly treated as a petition to withdraw the holding of abandonment under 37 C.F.R. 1.181(a). See, MPEP 711.03(c).

This Petition is hereby **granted**.

Background

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed September 23, 2008. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned December 24, 2008. A Notice of Abandonment was mailed June 9, 2009.

Applicant's Assertion

Applicant files the present petition and asserts that a timely reply to the Office action was filed via Express Mail Post Office to Addressee on March 17, 2009, including a Notice of Appeal and a request for a three (3) month extension of time and fee. In support of this assertion, Applicant files a copy of the response, and a grantable petition under 37 CFR 1.10(e) was filed on February 10, 2010, and supplemented on February 12, 2010.

The file record does not include the originally submitted papers. 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). See, MPEP 711.03(c). Applicant filed a petition under 37 CFR 1.10(e) on February 10, 2010, and supplemented on February 12, 2010, which was granted in a Decision mailed on even date herewith.

Applicant has complied with the requirements of 37 CFR 1.10(e).

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 3736 for processing of the Request for Continued Examination ("RCE"), and Amendment, filed August 14, 2009.

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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James Lindon, Lindon & Lindon
35104 Saddle Creek
Avon OH 44011

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In re Application of	:	
Deadwyler et al.	:	
Application No. 11/625312	:	
Filing or 371(c) Date: 01/20/2007	:	
Attorney Docket Number:	:	DECISION
1226 Pat	:	ON PETITION

This is a decision on the "Petition to Accord Express Mailing Date Under 37 C.F.R. 1.10," filed February 10, 2010, and supplemented February 10, 2010, and supplemented February 12, 2010. The petition is properly treated under 37 CFR 1.10(e).

This Petition is hereby **granted**.

Petitioner alleges that Response to the final Office action, mailed September 23, 2008, including a Notice of Appeal and a Petition and fee for a Three Month Extension of Time, was deposited in Express Mail service on March 17, 2009. Petitioner has filed the appropriate statements, and documentary and corroborating evidence, demonstrating that the correspondence was deposited Express Mail Post Office to Addressee on March 17, 2009.

In view of the above, the petition is granted. No fee has been charged and none is due.

The application is being referred to Scanning Customer Support for correction of the filing date of the Response to March 17, 2009.

Thereafter, the application will be referred to Technology Center Art Unit 3736 for processing of the Request for Continued Examination ("RCE"), filed August 14, 2009.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/625,323	01/20/2007	Takuya Mishina	JP920050085US1	8262

27431 7590 05/19/2008
SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE, CA 92618

EXAMINER	
BARRON JR, GILBERTO	

ART UNIT	PAPER NUMBER
2132	

MAIL DATE	DELIVERY MODE
05/19/2008	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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MAY 16 2008

TECHNOLOGY CENTER 2100

SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE CA 92618

In re Application of: Mishina et al.
Application No. 11/625,323
Filed: January 20, 2007
For: **METHOD FOR INTEGRITY METRICS MANAGEMENT**

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 April 11, 2008 to make the above-identified application special.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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:

A. Item 2 above. Specifically,

1) Applicant is required to **submit a copy of the allowable/patentable claim(s)** from **the JPO application(s)** ***to which priority under 35 U.S.C. 119(a) has been validly claimed*** (refer items 1 and 2 above) along with an English translation thereof and **a statement that the English translation is accurate**.

The only claim of the instant US application corresponds, per the claims table submitted by applicant, to claim 8 of the allowed Japanese application. However, in the instant petition, the claims in Japanese language of allowable claims of the corresponding Japanese application does not include claims 7 and 8 in 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 submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

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.
11/625,323	01/20/2007	Takuya Mishina	JP920050085US1	8262

27431 7590 06/25/2008
SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE, CA 92618

EXAMINER	
BARRON JR, GILBERTO	

ART UNIT	PAPER NUMBER
2132	

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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TECHNOLOGY CENTER 2100

SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE CA 92618

In re Application of: Mishina et al.
Application No. 11/625,323
Filed: January 20, 2007
For: **METHOD FOR INTEGRITY METRICS MANAGEMENT**

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 April 11, 2008, and the request for reconsideration of adverse decision filed May 28, 2008,to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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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MAR 1 - 2007

February 27, 2007

Technology Center 2100

MORGAN, LEWIS & BOCKIUS, LLP.
2 PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO CA 94306

In re Application of:
Ludwig, ET AL.
Serial No.: 11/625,330
Filed: January 21, 2007
Docket: 063330-5031-US
Title: STORING AND ACCESSING MEDIA FILES

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 1/21/07 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I to II.5.1, II.5.3, II.6.2, and II.6.6 above are considered to have been met. However, the petition fails to comply with conditions II.5.2, II.6.1, II.6.3, II.6.4 and II.6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items II.5, 5.1 and 5.2 above, the petition does not include a sufficient preexamination search because the search is not directed to the claimed invention and does not encompass all of the features of the claims, giving the claims the broadest reasonable interpretation.

Specifically in the USPTO EAST search in section (A)(I)(1), the search does not include the relevant search terms for claimed features such as "wide area network", "local network", "media file", "video" , "playback" of claim 1; "go-to operations" of claim 2; "user of the second client device" of claim 4; "wireless" of claim 7; "start" , "stop", "pause", "fast forward", "reverse", "fast reverse" of claims 8 and 13, "simultaneous multiple access", and "multiple playbacks" of claim 11. It is noted that some of these features have been identified as patentable distinctions between the claimed invention and the references deemed most closely related to the claimed invention in the Examination Support Document filed with the petition. In addition, the Petitioner should also include related words or phrase such as plurals and synonyms to the above search terms. For example, the search term "wide area network" may be covered with the acronym "WAN". Applicant is advised to review all claim limitations to ensure that the preexamination search covers all claimed features, and update search and/or provide clarification as deemed necessary.

With respect to the DIALOG search in section (A)(I)(2), this search contains deficiencies similar to those pointed out in connection with EAST search above. An update search and/or clarification is required.

With respect to the DELPHION search, this search contains deficiencies similar to those pointed out in connection with the EAST search above, except for the term "wireless", which appear to have been used in the search query.

With respect to the "Searches by Global Prior Art Inc.", it is unclear whether search logic was used to search the magazines, journals, symposiums, books and conference proceeding records or that they were searched in their entirety. Clarification is required. As per the INSPEC/COMPENDEX database search, the Petitioner has not included the search logic or sequence used as a query, as required by II.5 above when searching a database.

With respect to the non-patent literature search which was performed by the USPTO in a related case (pages 15 and 16 of the statement of preexamination search) it is unclear whether applicant wishes to use the USPTO search to fulfill the requirements of section (II)5.2 above. Clarification is required.

[1] MPEP 8th ed. rev 5 August 2006

It is noted that the recordation of the USPTO commercial database search does not include relevant search terms such as outlined in the deficiencies of the USPTO EAST search in combination with the related words or phrases, apparently since the subject matter claimed in 10/722,051 is substantially different from that claimed in the instant application. Further it is unclear why the references relied upon by the examiner of 10/722,051 (subsequently cited in 10/721,385 and 10/721,343 by the examiner) were deemed not to be closely related to the instant invention, while the search conducted by USPTO was apparently deemed to be relevant to the subject matter of the claimed invention in the instant application. The fact that upon reviewing the USPTO search applicant has found all references relied upon by the examiner therein not to be relevant to the claimed subject matter in the instant application, appears to serve as further evidence that the USPTO search is not directed to the invention claimed in this application and thus does not comply with the requirement of section (II) 5.2 above. Clarification is requested.

Also, on page 6 of the Pre-examination Search Document, the Petitioner makes the statement "The results of the searches were reviewed". However, it is not clear who reviewed the search. It is unclear whether this statement is intended to indicate that applicant has duplicated the examiner's classified search and the non patent literature search, and has reviewed all documents found as a result thereof, since the recordation of examiner's search does not appear to readily identify any documents for review, only indicates the number of documents meeting the search criteria at best. Clarification is required.

The Petitioner has cited 10/721,051 and 10/741,385 as being relevant to current application, however the above application numbers are not correct. They should be 10/722,051 and 10/721,385 respectively.

With regard to the requirement of MPEP § 708.02(a)(I.)(I)(4) and item 6.4 above, the statement of utility appears to repeat the subject matter of claims 1 and 12. Petitioner is reminded that a ***concise*** statement of utility is required for the invention defined in each of the independent claims.

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(3) and item 6.3 above, the petitioner's "Statement of Patentability" (pages 27-29 of the support document) is not clear and consistent as to how each of the claims is patentable over the references cited.

Specifically, petitioner's statement in section A) of APPENDIX C that none of the references teach the limitation "enable a user of the first client device to communicate with a wide area network " as recited in claims 1 and 12, while in APPENDIX B, on page 17, Petitioner appears to indicate that at least the Palmer reference teaches all of the limitations in claim 12 (and possibly claim 1, since both claims 1 and 12 recite this limitation), and on page 25, Petitioner appears to indicate that this limitation may be taught in the Rangan reference as well. Further, petitioner appears to indicate on page 27 of the support document that the Ahuja reference may also teach this limitation.

With respect to the statement of section B. of APPENDIX C, petitioner only appears to provide reasons why it would not have been obvious to combine all three references, and does not provide any explanation why it would not have been obvious to combine any two of the three references, such as Palmer and Rangan, or Ahuja and Palmer. Petitioner refers to a "primary reference" and a "secondary reference" without specifically identifying any of the references cited in the IDS . In addition, petitioner refers to a "Hassler" reference on page 29 of the support document, which is not cited in the IDS, nor discussed anywhere in the Examination Support Document. If petitioner believes that the Hassler reference is closely related to the claimed subject matter, it is suggested that this reference be listed on the IDS in accordance with 37 CFR 1.98, and discussed in the support document in accordance with the requirements of sections 6.1-6.3 above.

Petitioner is requested to clearly point out claim limitations not taught by any of the references and limitations which patentably distinguish each claim over the references cited.

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(5) and item 6.5 above, the petition does not include 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.** The instant application claims the benefit of one or more applications under title 35, United States Code 120 to the following applications: 11/265,059; 09/702,737; 08/994,848; 08/660461 and 08/131,523 and must include a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification for each of these applications. The Petitioner's statement that the applications are identical in substance to the current application is not sufficient. Section (II) 6.5 above requires that petitioner must include a showing ***where*** each limitation of the claims find support in each such application in which such supports exist. The Petitioner should review the applications based on which priority is claimed, point out any differences and show the exact locations (e.g. page no. or paragraph no.) within the specification of ***each such document*** providing support under 35 USC, first paragraph ***for each limitation*** of the instant claims.

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 Kakali Chaki, at (571) 272-3719.

Kakali Chaki
WQAS Technology Center 2100

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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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MAY 2 2007

Technology Center 2100

MORGAN, LEWIS & BOCKIUS, LLP.
2 PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO CA 94306

In re Application of:
Ludwig, ET AL.
Serial No.: 11/625,330
Filed: January 21, 2007
Docket: 063330-5031-US
Title: STORING AND ACCESSING MEDIA FILES

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 renewed petition filed on April 2, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on January 21, 2007 was dismissed in the decision mailed on March 1, 2007. It is noted that while Applicant indicated on the submitted documents that the renewed petition was filed electronically on April 2, 2007, the electronic filing receipts issued upon filing said documents contain time stamps of approximately 00:07 am and 00:11am on April 3, 2007. The Office recognizes that the time stamp only indicates that the electronic filing receipt was issued at the specified times, and under these specific facts and circumstances accepts applicant's representation that the papers were filed by 12:00 midnight on April 2, 2007, thus considers the renewed petition as timely filed. Applicant is advised to use care in the future while filing documents electronically to ensure that the record is clear with respect to the exact time of filing any documents.

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

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:

If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Kakali Chaki at (571) 272-3719.

Kakali Chaki, WQAS
Technology Center 2100
Computer Architecture, Software, and Information Security

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CHICAGO IL 60601

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APR 0 8 2009

OFFICE OF PETITIONS

In re Application of :
Shalabh Kumar et al :
Application No. 11/625,342 : DECISION ON PETITION
Filed: January 21, 2007 :
Attorney Docket No. vav-40010 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 17, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed March 25, 2008, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 2839 for appropriate action by the Examiner in the normal course of business on the reply received March 17, 2009 and resubmitted on March 18, 2009.

Karen Creasy
Petitions Examiner
Office of Petitions

10-21-09

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Patent No. : 7,584,232
Application No: 11/625,346
Inventor(s) :. Mingnan Guo
Issued : September 1, 2009
Title : SYSTEM AND METHOD FOR COMPUTER AUTOMATIC MEMORY MANAGEMENT

Re: Request for Certificate of Correction

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

Respecting the alleged error, the inventor's name (s) or addresses is printed in accordance with the Declaration submitted at the time of filing the application. There is no sub-declaration or post card receipt adding or deleting inventor's name or addresses under Rule 1.324 or 1.323. Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 224 and the Code of Federal Regulation (C.F.R.) 1.322.

In view of the foregoing your request is hereby denied.

However, your attention is directed to C.F.R. 1.324, wherein a request is being made to add or delete inventor(s) names or addresses after issuance of the patent, which a decision is rendered on, by the Supervisory Patent Examiner.

Eva JamesMary F. Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Mingnan Guo
P.O. Box 19343 Metrotown STN
Burnaby BC V5H 4J8, Canada

ej

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CRAIG W. RODDY
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DUNCAN, OK 73536-0440

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MAR 2 5 2008

OFFICE OF PETITIONS

In re Application of
Gregory Perez
Application No. 11/625,355
Filed: January 22, 2007
Attorney Docket No.: HES 2004-IP-016490U1D1

ON PETITION

This is a decision on the petitions filed March 7, 2008, under 37 CFR 1.181, 1.137(a) and 1.137(b).

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

The petition to revive under 37 CFR § 1.137(a) is **DISMISSED**.

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

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due which was mailed August 30, 2007. The Notice of Allowance and Fee (s) Due set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on November 30, 2007. A Notice of Abandonment was mailed on January 8 2008.

Petitioner contends that the Notice of Allowance mailed on August 30, 2007, was not received. Petitioner acknowledges that a change of address provided on August 13, 2007 requested the address of record be associated with customer no 36, 256. Rather than the customer number, the attorney registration number was mistakenly placed in the customer number box. In support of this argument, petitioner has provided a copy of a statement of facts, a docket report, copy of file jacket. Petitioner provides two arguments to explain the failure to receive the Notice of Allowance. Petitioner's first

argument is that the placement of the attorney registration instead of the customer number in the request to change the address was due to clerical error. Lastly, petitioner contends the Office erroneously revoked the power of attorney for this application as evidenced by the Notice Regarding Change of Power of Attorney mailed on July 19, 2007. Petitioner insists that no power of attorney or intervention by an assignee for the above-identified application was submitted after the original power of attorney was submitted on June 8, 2007. Thus petitioner states, the July 19, 2007 Office communication, which was sent in error led to the unintended change of correspondence address that prevented applicants' attorney from receiving the Notice of Allowance .

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

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

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).

Petitioner's arguments are not persuasive to establish the holding of abandonment should be withdrawn. The record shows that the Notice of Allowance was mailed to the correspondence address provided on August 13, 2007. Further review of shows the

Notice of Allowance was returned to the Office as being undeliverable attempted not known. The Notice of Allowance was not received not due to an irregularity of the mail, but due to providing the Office with an incorrect address. Thus, withdrawal of the holding of abandonment is not warranted.

PETITION TO REVIVE UNDER 37 CFR § 1.137(a)

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

(1) the required reply,[1]

(2) the petition fee,

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

(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

The instant petition lacks item (3).

As to item (3), the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 37 CFR §1.137(a).

The Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Commissioner to have been "unavoidable." See, 37 CFR § 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887) (the term "unavoidable" is applicable to ordinary human affairs, and requires no more greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case by case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2D 1130 (N.D. Ind. 1987).

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[2] Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary

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

[2] See MPEP 711(c)(III)(c)(2) for a discussion of the requirements for a showing of unavoidable delay.

for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[3]

As set forth in MPEP 711.03(c), a delay resulting from an error on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown :

> *A) the error was the cause of the delay;*
>
> *B) there was in place a business routine for performing the clerical function which could reasonably be relied upon to avoid errors in its performance; and*
>
> *C) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.*

While petitioner contends there was a system in place for submitting a change of address, the record does not sufficiently show that the Ms. Townsend was sufficiently trained and experienced such that reliance on employees represented the exercise of due care. It is not enough to state that Ms. Townsend was sufficiently trained and experienced without providing evidence of the training received. Nor has petitioner provided any evidence of the degree of supervision provided to Ms. Townsend.

An adequate showing of unavoidable delay due to docket/clerical error may include but not limited to:

> *1) statements by all parties with direct knowledge of the circumstances surrounding the delay;*
>
> *2) a through explanation of the docketing system in use;*
>
> *3) identification of the types of records kept;*
>
> *4) identification of the persons responsible for the maintenance of the system, copies of mail ledger, docket sheets, file wrappers;*
>
> *6)an indication why the system failed; and*
>
> *5)information regarding the training provided to the clerk(s) responsible for the docketing error, the degree of supervision of their work.*

Petitioner has failed to establish that clerical error caused the delay in the submission of the issue and publication fees. A review of the change of correspondence address submitted on August 13, 2007 shows that the request was signed by Craig Roddy, the attorney of record. A delay resulting from an attorney's preoccupation with other legal matters or with the attorney's inadvertence or mistake is not sufficient to establish to the

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[3] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

satisfaction of the Director that the delay was unavoidable within the meaning of 35 USC 151 and 37 CFR 1.378 Mossinghoff, 671 F.2d at 536. The U.S. Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and the applicant is bound by the consequences of those actions or inactions Specifically, petitioner's delay caused by the mistakes or negligence of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 U.S.C. 133 or 37 CFR 1.137(a).[4] Petitioner is bound to the inaction of attorney Roddy.

Lastly, the Office is not convinced that an erroneous mailing of the July 19, 2007 Notice caused the actions of petitioner. The Notice Regarding Change of Power of Attorney was mailed in response to the June 8, 2007 Power of Attorney to Prosecute Applications Before the USPTO. The Request submitted along with the 37 CFR 3.73(b) statement allowed the assignee of record to enter the practitioners listed on that document. The July 19, 2007 Notice clearly shows it was in response to assignee's request submitted on June 8, 2007 dated June 7, 2007 and signed by attorney Roddy. Further review shows the correspondence address of record was not changed.

Accordingly, petitioner has failed to provide any facts or evidence that warrant a finding of unavoidable delay.

PETITION TO REVIVE UNDER 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;

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

(3) a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional"; and

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

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 and publication fees, (2) the petition fee of $1540.00, and (3) a proper statement of unintentional delay.

---

[4] Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (D. Ind. 1987); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (Comm'r Pat. 1891).

This application is being referred to Publishing Division for further processing in accordance with this decision on petition.

Telephone inquiries 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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DEERE & COMPANY
ONE JOHN DEERE PLACE
MOLINE, IL 61265

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JUN 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Joris Hiddema	:	
Application No. 11/625387	:	DECISION GRANTING
Filing or 371(c) Date: 01/22/2007	:	PETITION UNDER
Attorney Docket Number:	:	37 CFR 1.47(b)
09686-US	:	

This is in response to the Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(b), filed April 9, 2007, to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors.

The petition is **granted**.

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

Petitioner has shown that the non-signing inventor, Joris Hiddema, refuses to join in the application.

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

The application file is being referred to the Office of Initial Patent Examination for continued processing.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MR. JORIS HIDDEMA
BOEKENDERWEG 185
NB BLERICK, NETHERLANDS 5925

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JUN 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Joris Hiddema	:	
Application No. 11/625387	:	LETTER
Filing or 371(c) Date: 01/22/2007	:	
Attorney Docket Number:	:	
09686-US	:	

Dear Mr. Hiddema:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney
Office of Petitions

cc: DEERE & COMPANY
ONE JOHN DEERE PLACE
MOLINE, IL 61265

UNITED STATES PATENT AND TRADEMARK OFFICE

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JOEL I. ROSENBLATT
445 11TH AVE..
INDIALANTIC FL 32903

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MAY 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Rosenblatt et al.	:	
Application No. 11/625,397	:	ON PETITION
Filed: January 22, 2007	:	
Attorney Docket No. 1071002	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

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

The Notice of Appeal filed March 15, 2010, has been entered and made of record. Accordingly, the 2-month period for filing the appeal brief accompanied by the fee required by law, runs from the date of this decision.

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

This matter is being referred to Technology Center AU 1797 for further processing.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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James B. Conte
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Chicago, IL 60606

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JUN 02 2008

OFFICE OF PETITIONS

In re Application of :
Felix Titz et al. :
Application No. 11/625,407 : DECISION ON PETITION
Filed: January 22, 2007 : TO WITHDRAW
Attorney Docket No. 926504-104889 : FROM RECORD
:

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

The request is **NOT APPROVED**.

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

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

A courtesy copy of this decision is being mailed to the first signing inventor, since no assignee has properly intervened in this application.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Felix Titz
Erzstrasse 7.
D-92729 Weiherhammer
Germany

cc: Welsh & Katz, Ltd.
120 S. Riverside Plaza
22nd Floor
Chicago, IL 60606

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OCT 02 2009

OFFICE OF PETITIONS

In re Application of
David Leadbetter et al
Application No. 11/625,453
Filed: January 22, 2007
Attorney Docket No. 34062.CIP

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 28, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed May 6, 2008, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 3711 for appropriate action by the Examiner in the normal course of business on the reply received July 28, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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THE TORPY GROUP, P.L.
202 N. Harbor City Blvd.
Suite 200
Melbourne, FL. 32935

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SEP 07 2007

OFFICE OF PETITIONS

In re Application of
Jack G. Potter
Application No. 11/625,469
Filed: January 22, 2007
Attorney Docket No. 17.3287

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 6, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a declaration by the Applicant stating that Applicant is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Thurman K. Page at 571-272-0602.

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

The application is being forwarded to the Technology Center Art Unit 3724 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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1500 MAIN ST.
SUITE 912
SPRINGFIELD MA 01115

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NOV 19 2007

OFFICE OF PETITIONS

In re Application of
Lou Watkins
Application No. 11/625,501
Filed: January 22, 2007
Attorney Docket No. **6000-0001-1**

ON PETITION

This is a decision on the petition filed October 30, 2007 to withdraw the holding of abandonment for the above-identified application. The petition is treated under 37 CFR 1.181.

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

The application was held abandoned on April 13, 2007 for failure to file a timely response to the Notice to File Missing Parts mailed February 12, 2007, which set a two (2) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed October 26, 2007.

Petitioner asserts that a proper response, was mailed on February 15, 2007. In support, petitioner submits a copy of the reply in the form of the executed oath or declaration, said to have been filed but not acknowledged with the U.S. Patent and Trademark Office, which includes a certificate of mail dated February 15, 2007, pursuant to 37 CFR 1.8.

The evidence submitted corroborates a timely response to the Notice to File Missing Parts. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee Is due and none has been charged.

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET, SUITE 2100
SAN DIEGO CA 92101

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FEB 11 2008

OFFICE OF PETITIONS

In re Application of :
BURNS, et al. :
Application No. 11/625,504 : DECISION ON PETITION
Filed: January 22, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **110866-ISE29** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 30, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes the declaration of inventor Thomas L. Bartley, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3600.

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

The application is being forwarded to the Technology Center Art Unit 3683 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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BUSKOP LAW GROUP, P.C.
1776 YORKTOWN
SUITE 550
HOUSTON TX 77056

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APR 20 2007

OFFICE OF PETITIONS

In re Application of :
JERRY D. SACKS et al. :
Application No. 11/625,507 : DECISION ON PETITION
Filed: January 22, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **1219.007** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 22, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of Jerry D. Sacks driver's license 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 2624 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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

Mail Date: 04/21/2010

Applicant	: Pei-Yuan Lee	: DECISION ON REQUEST FOR
Patent Number	: 7661612	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/625,518	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/22/2007	: 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

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COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary, NC 27518

MAR 13 2007

In re Application of:
DAWSON *et al.*
Serial No.: 11/625,525
Filed: January 22, 2007
Docket: **2006-0491.03/4670-518**
Title: **CARTRIDGE WITH A MOVABLE ELECTRICAL CONNECTOR FOR USE WITH AN IMAGE FORMING DEVICE**

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 January 22, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I.1-4; II.1-4, 5.2, 5.3 and 6.1 and 6.3-6.6, above are considered to have been met. However, the petition fails to comply with conditions II. 5.1 and 6.2, above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of II.5.1 could have been more extensive. Additional areas of Class 399 and Class 439 should have been searched to cover the claimed invention. Specifically, Class 399, subclasses 12, 13, 111, 119 and 264, along with Class 439, subclasses 59, 76.1, 248, 357 and 660, should have been searched.

Regarding the requirements of II. 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 . The section of the Examination Support Document which address this is not clear. The petitioner does not use the language of the claim, therefore it is unclear if a limitation of the claim is disclosed by the reference, or merely a feature that is similar to the disclosed invention. For example, the comparison to Patent No. 5, 592, 371, to claim 1 of the application states "*Claim 1: body 8 that includes a connector 10 that is movable relative to the body (Col. 3, lines 36-42)*". However, claim 1 specifically recites:

> *a body with an interior reservoir to contain toner;*
> *a retainer formed by the body; and*
> *an electrical connector captured by the retainer and operatively connected to the body, the electrical connector including a receptacle with an open space to engage with the image forming device, the electrical connector being movable relative to the body in a plane substantially perpendicular to a cartridge insertion direction.*

From the Examination Support Document, it is unclear if Patent No. 5, 592, 371, actually discloses limitations of claim 1.

For these reasons, the petition does not meet the requirements of II. 5.1and 6.2, as set forth above.

DECISION

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

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be

considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Clayton E. LaBalle, Special Program Examiner, at (571) 272-1594.

Clayton E. LaBalle
T-QAS
Technology Center 2800

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COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary, NC 27518

MAY -3 2007

In re Application of:
DAWSON *et al.*
Serial No.: 11/625,525
Filed: January 22, 2007
Docket: **2006-0491.03/4670-518**
Title: **CARTRIDGE WITH A MOVABLE ELECTRICAL CONNECTOR FOR USE WITH AN IMAGE FORMING DEVICE**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This communication is a reply to the "RESPONSE TO PERFECT PETITION TO MAKE SPECIAL" filed April 02, 2007. The Request is being treated as a petition requesting reconsideration of the previous decision of March 13, 2007, dismissing the petition to make special under 37 C.F.R. §1.102(d) filed January 22, 2007.

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election

without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1594.

Clayton E. LaBalle, T-QAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

DECISION ON PETITION ROUTING SLIP

Application No.: 11625525

Art Unit:

For Director's Secretary:

☑ **Granted** ☐ **Denied** ☐ **Dismissed**

- ☐ Decision to be reviewed and signed by Director
- ☑ Mail Decision & enter decision in Petition Database
- ☐ Enter Change of Address in PALM
- ☐ Enter Paper Nos [ ] and the decision in PALM
- ☐ Other

AE petition

For TECH Support Staff:

- ☐ Process and enter Paper Nos.
- ☐ Charge [ ] fee to D.A. No
- ☐ Other
- ☐ Forward file to

SPRE No. 1:	SPRE No. 2:	SPRE No. 3:	SPRE No. 4:
Hien Phan SPRE Jeff-8D55 (571) 272-1606	Jose Dees SPRE Jeff-8D59 (571)272-1569	Clayton E. LaBalle SPRE Jeff-8D51 (571) 272-1594	Ed Westin SPRE Jeff-8D65 (571)272-1638

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JDI Patent- KLA-Tencor Corp. Joint Customer Number
Joshua D. Isenberg/ JDI Patent
809 Corporate Way
Fremont, CA 94539

Mail Date: 04/21/2010

Applicant	: Ian Robert Smith	: DECISION ON REQUEST FOR
Patent Number	: 7659126	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/625,546	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/22/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **436** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Armstrong Teasdale LLP (12553 - 1000)
Patrick W. Rasche
ONE METROPOLITAN SQUARE, SUITE 2600
ST. LOUIS, MO 63102-2740

Mail Date: 04/20/2010

Applicant	: William Murray Stoval	: DECISION ON REQUEST FOR
Patent Number	: 7667624	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/625,568	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/22/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **45** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/625,577	01/22/2007	HEATHER ALISHA DAVIS	23068.44743

CONFIRMATION NO. 8725

OC000000024384518

26781
BROUSE MCDOWELL LPA
388 SOUTH MAIN STREET
SUITE 500
AKRON, OH 44311

Date Mailed: 06/15/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/21/2007.

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

Michelle R. Saxon

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

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BROUSE MCDOWELL LPA
388 SOUTH MAIN STREET
SUITE 500
AKRON OH 44311

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
DAVIS, Heather Alisha	:	
Application No. 11/625,577	:	DECISION ON PETITION
Filed: January 22, 2007	:	TO WITHDRAW
Attorney Docket No. **23068.44743**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 21, 2007.

The request is **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 Daniel A. Thomson, Esq. on behalf of all attorneys of record who are associated with customer No. 26781. 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 Heather A. Davis 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.

(J. Williams)
Terri Williams
Petitions Examiner
Office of Petitions

cc: **HEATHER A. DAVIS**
736 KENMORE AVENUE SE
WARREN, OH 44484

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FEB - 8 2007

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of
Mark Throsby
Serial No.: 11/625,613
Filed: January 22, 2007
Attorney Docket No.: 2578-7964.1

: 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 January 22, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 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 U.S.C. 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 U.S.C. 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 U.S.C. 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 U.S.C. 103(c).

REVIEW OF FACTS

The conditions I.1- II.4 above are considered to have been met. However, the petition fails to comply with conditions II.5-6 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of MPEP § 708.02, 5 and 6, petitioner indicates a sequence search on YAHOO of sequences 10, 30 and 40; however the same search should also have been conducted on the National Center for Biotechnology Internet site (NCBI) using a BLAST search for proteins. In fact, there is no apparent search conducted using a protein database, e.g. PIR, SWISSPROT, etc. The YAHOO search does not appear to indicate any non-patent literature searched using the DELPHION database and west nile antigen antibody. In addition to the NCBI database which should be searched consideration should also be given to MEDLINE and other related databases. It is also noted that short sequences, such as those in item 3, page 2, can be searched in USPAT and PGPUB, but appear not to have been done. There is no classified search in Class 530, subclasses 300-349 (especially 330, 331 and 333) which is required as well as class 414, subclasses 2-21 and class 424, subclasses 130.1+. Terms such as "phage display library" do not appear to have been used in the search logic. The search logic does not always appear to be complete. The search also appears not to have considered the search template, available at: <http://www.uspto.gov/web/patents/searchtemplates/class.htm>.

In view of the above search deficiencies, the Support document may be deficient and need to be revised.

In view of the above deficiencies of the search and the Pre-exam Support Document both are considered defective or incomplete and will need to be revised or updated.

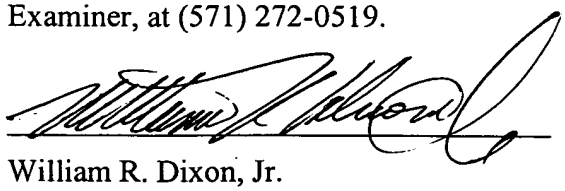
DECISION

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, 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 William R. Dixon, Jr., Special Program Examiner, at (571) 272-0519.



William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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MAR 16 2007

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:
Mark Throsby	: DECISION ON PETITION TO MAKE
Serial No.: 11/625,613	: SPECIAL FOR NEW APPLICATION
Filed: January 22, 2007	: UNDER 37 C.F.R. § 1.102 & M.P.E.P.
Attorney Docket No.: 2578-7964.1	: § 708.02

This is a decision on the petition filed March 8, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in an agreement that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a Final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the Final Office action, applicant must: 1) promptly file a Notice of Appeal, an Appeal Brief and Appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after Final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

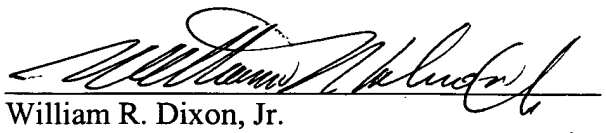
   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a Final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to William R. Dixon, Jr., Special Program Examiner, at (571) 272-0519.



William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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OFFICE OF PETITIONS

BROUSE MCDOWELL LPA
388 SOUTH MAIN STREET
SUITE 500
AKRON OH 44311

In re Application of :
DAVIS, Heather Alisha :
Application No. 11/625,618 : DECISION ON PETITION
Filed: January 22, 2007 : TO WITHDRAW
Attorney Docket No. **23068.44734** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 21, 2007.

The request is **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 Daniel A. Thomson, Esq. on behalf of all attorneys of record who are associated with customer No. 26781. 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 Heather A. Davis 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: **HEATHER A. DAVIS**
736 KENMORE AVENUE SE
WARREN, OH 44484

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/625,618	01/22/2007	HEATHER ALISHA DAVIS	23068.44734

CONFIRMATION NO. 8782

OC000000024384369

26781
BROUSE MCDOWELL LPA
388 SOUTH MAIN STREET
SUITE 500
AKRON, OH 44311

Date Mailed: 06/15/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/21/2007.

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

Michelle R. Eason

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

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BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

In re Application of	:
Chollet et al.	:
Serial No.: 11/625,675	: PETITION DECISION
Filed: January 22, 2007	:
Attorney Docket No.: **077456.0105**	:

This is in response to the petition under 37 CFR § 1.59(b), filed July 22, 2008, to expunge information from the above identified application.

Petitioner requests that the Supplemental Information Disclosure Statement and the reference cited therein filed on July 11, 2008 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an unexamined application and the reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate as the references are proprietary. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, the petitioners' petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/625,675	01/22/2007	Janet A. Chollet	077456.0105	8889

21003 7590 09/16/2009

BAKER BOTTS L.L.P.
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44TH FLOOR
NEW YORK, NY 10112-4498

EXAMINER	
BECKHARDT, LYNDSEY MARIE	

ART UNIT	PAPER NUMBER
1615	

NOTIFICATION DATE	DELIVERY MODE
09/16/2009	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):

DLNYDOCKET@BAKERBOTTS.COM

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SEP 16 2009

BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

In re Application of :
Chollet et al.
Serial No.: 11/625,675
Filed: January 22, 2007
Attorney Docket No.: **077456.0105**

: PETITION DECISION

This is in response to the petitions under 37 CFR § 1.59(b), filed April 1, 2009 and April 14, 2009, to expunge information from the above identified application. This application has not been allowed

Petitioner requests that documents cited on the Information Disclosure Statement of April 1, 2009 and April 14, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This application is under non-final action. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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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	: Gunther Zauner	: DECISION ON REQUEST FOR
Patent Number	: 7644687	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/625,680	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/22/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **171** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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KILYK & BOWERSOX, P.L.L.C.
3925 CHAIN BRIDGE ROAD, SUITE D401
FAIRFAX, VA 22030

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OFFICE OF PETITIONS

In re Application of :
Sasi K.. PILLAI, et *al.* :
Application No. 11/625,688 : DECISION ON PETITION
Filed: January 22, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **5121-5968 US** :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed April 2, 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 May 3, 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 election, (2) the petition fee of $1620; and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $130 extension of time fee submitted with the petition on May 26, 2010 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

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 1624 for appropriate action by the Examiner in the normal course of business on the reply received May 26, 2010.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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KELLY LOWRY & KELLEY, LLP
6320 CANOGA AVENUE
SUITE 1650
WOODLAND HILLS CA 91367

MAILED

JUN 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Bruce Ross Minott, et al.	:	
Application No. 11/625,689	:	DECISION ON PETITION
Filed: January 22, 2007	:	
Attorney Docket No. ARGO-49522	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 11, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed December 11, 2008. Accordingly, the date of abandonment of this application is March 12, 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
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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FEB 29 2008

OFFICE OF PETITIONS

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

In re Application of :
Claudia Reichelt, et al. :
Application No. 11/625,691 : DECISION ON PETITION
Filed : January 22, 2007 :
Attorney Docket No. 674593-2001 :

This is a decision on the "PETITION FOR FILING DATE" filed July 30, 2007, requesting that the above-identified application be accorded a filing date of January 22, 2007, based on the application having been filed in the German Language on that date.

Application papers in the above-identified application were deposited on January 22, 2007. However, on July 10, 2007, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without a complete specification as prescribed by 35 U.S.C. 112. (In addition, the statutory basic filing fee, the search and examination fees, replacement drawing and an oath or declaration were missing). The Notice stated that any assertions that the items required were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the $400 petition fee.

On July 30, 2007, the present petition was filed, including the filing of an English language specification with certificate of translation, an executed declaration and power of attorney, replacement drawing, the missing fees and late surcharge[1]). Petitioner argues that all required documents for obtaining a filing date for a non-provisional application under 37 CFR

[1] As stated in this decision, the application was in fact complete for purposes of entitlement to a filing date on January 22, 2007. Accordingly, although not required by the Notice, applicants are required to submit the surcharge for the late filing of the declaration and filing fee on July 30, 2007. The $130 is being charged to Deposit Account No. 50-0320 as authorized.

1.53(b) were filed in the U.S. Patent and Trademark Office on January 22, 2007. Accordingly, petitioner requests that the application be accorded a filing date of January 22, 2007 and that the petition fee be refunded.

A review of the record reveals that the Office issued an Official Filing Receipt on August 2, 2007. However, the Office accorded this application a filing date of July 30, 2007, the date upon which applicants submitted a verified English translation of the application. This was in error.

The Office will accord a filing date to an application meeting the requirements of 35 U.S.C. 111(a), even though some or all of the application papers, including the written description and the claims, are in a language other than English and hence does not comply with 37 CFR 1.52. A review of the present application file confirms that the application as filed, though in German, was entitled to a filing date of January 22, 2007. Applicants should have been mailed a Notice requesting the required English translations with a declaration attesting to the accuracy of the translations and the fee for a non-English specification. Accordingly, the required $130 fee for a non-English specification will also be charged to counsel's deposit account as authorized.

In view thereof, the petition is **GRANTED**.

Given the basis for granting the petition, the $400 petition fee is being refunded to Deposit Account No. 50-0320, as authorized.

The application is being forwarded to the Office of Patent Application Processing (OPAP) for **correcting the filing date to January 22, 2007**, processing the late declaration filed on July 30, 2007, and mailing 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 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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Alexandria, VA 22313-1450
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Andrew DiNovo
Jenkens & Gilchrist
a Professional Corporation
401 Congress Avenue, Suite 2500
Austin TX 78701

MAIL

FEB 2 0 2007

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Min-Liang TAN , et al.
Serial No.: 11/625,692
Filed: January 22, 2007

Title: **WIRELESS AUDIO SHARING**

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 January 22, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5., 5.2, 6.2, 6.3, and 6.5.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5. and 5.2 above, the preexamination search document provided with the instant petition is deficient as follows: the US Field of Search and Databases Searches which are to be provided under section 8(a) are not sufficient. In addition to the field of search provided, applicant would also need to search in the following class/sublasses: 455/ 66, 90.1, 90.2, and 100. Keyword searches appear sufficient.

Regarding the requirement in item 6.2 above, the Accelerated Examination Support Document is deficient because section 9(B) fails to specify where each disclosed limitation is found in each cited reference. Rather, petitioner has provided a generic description of claimed information disclosed in a reference and then at the end includes a broad summary of where the disclosed information can be found, without providing any specifics for where each disclosed limitation is discussed in each reference. Furthermore, several references (such as Scwab and Armstrong) are discussed generically and provide no indication of where any claimed limitations are specifically disclosed in the reference. Accordingly, correction is required.

Regarding the requirement in item 6.3. above, the Accelerated Examination Support Document is deficient because section "9(C)" fails to provide a detailed explanation of how each of the claims are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c). Petitioner does not provide a "detailed explanation of patentability of all claims with respect to each reference and if claims do not stand or fall together, how each claim is patentably distinct over the cited prior art. For example, the generic reason provided as to why all of the references fail to disclose or teach claim 1 is more specific than the limitations provided in claim 1. Specifically, petitioner argues that none of the cited prior art teaches the closed network of audio sharing devices of claim 1 "whereby only devices having a nonpublic decoding technology can share music with one another". A review of claim 1 does not find the argued limitation of "only devices having nonpublic decoding technology...". As another example, petitioner argues that none of the references disclose the "retransmission and rebroadcast" as in claims 4-8 and 18; or the "user interface elements" in claims 15 and 16; however, a review of claims claims 4-8 and 18 do not find any recitation of "retransmission AND rebroadcast" therein and a review of claims 15 and 16 do not find any positively recited "user interface elements". Thus, the petition does not meet the conditions of II. 6.3 above. Correction is required.

Regarding the requirement in item 6.5 above, the Accelerated Examination Support Document is deficient because section 9(E) fails to provide a detailed showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the

specification. Petitioner provides a broad allegation that all claimed subject matter finds support in Figures 1-5 and paragraphs 15-26; without providing any particulars of where support for each claimed limitation is found. Thus, the petition does not meet the conditions of II. 6.5 above.

DECISION

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

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-7288.

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Andrew DiNovo
Jenkens & Gilchrist
a Professional Corporation
401 Congress Avenue, Suite 2500
Austin TX 78701

In re Application of:
Min-Liang TAN, et al.
Serial No.: 11/625,692
Filed: January 22, 2007

Title: **WIRELESS AUDIO SHARING**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the request for reconsideration filed March 20, 2007 which is also a response to the petition decision mailed February 20, 2007. The request for reconsideration filed March 20, 2007 is considered together with the original petition filed January 22, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

PERTINENT BACKGROUND INFORMATION

The petition decision mailed February 20, 2007 set forth that the originally filed petition failed to comply with conditions set forth under section II. items 5, 5.2, 6.2, 6.3 and 6.5 above.

The requirements in section II, items 6.2 and 6.3 have not been met by the March 20, 2007 Amended Accelerated Examination Support Document. As set forth in the decision mailed February 20, 2007, sections 9(B) and 9(C) failed to specify where each disclosed limitation is found in **each** cited reference and to provide a detailed explanation of how each of the claims are patentable over **each** of the references cited with the particularity required by 37 CFR 1.111(b) and (c) (emphasis added). A review of the Request for Reconsideration and Amended Accelerated Examination Support Document filed March 20, 2007 finds that section 9(A) of the petition states that an Information Disclosure Statement "has been filed herewith citing each of the following references deemed most closely related to the subject matter of the claim". Applicant then provides a listing of only 10 references, only one of which was newly cited on the IDS filed with the Request for Reconsideration. While applicant has provided further details in regard to the ten references cited in section 9(A), there remain seventeen cited references on the originally filed IDS and eight newly cited references on the newly filed IDS that have not been discussed in items 9(B) or 9(C). Accordingly, the Accelerated Examination Support Document remains deficient. In accordance with items 6.2 and 6.3 above, the necessary detailed discussions must be in regard to **each** cited reference.

The requirements in section II, items 5., 5.2, and 6.5 have been met.

DECISION

Accordingly, the petition taken together with the request for reconsideration is **denied**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-7288.

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12-03-08

TO SPE OF : ART UNIT 2856

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/625699 Patent No.: 7448263

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: _____

HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

SPE **Art Unit** 2856

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

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MAR 27 2008

OFFICE OF PETITIONS

In re Application of :
TAKIGUCHI, Kiyoaki :
Application No. 11/625,718 : DECISION GRANTING PETITION
Filed: January 22, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **302407US8CONT** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 26, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on January 17, 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 2624 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.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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Williams & Anderson PLC
111 Center Street
Twenty-Second Floor
Little Rock, AR 72201

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FEB 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Xiao-Dong Chen et al.	:	
Application No. 11/625,763	:	DECISION ON PETITION
Filed: January 22, 2007	:	TO WITHDRAW
Attorney Docket No. 5339.10693US	:	FROM RECORD
	:	

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 5, 2007.

The request is **NOT APPROVED**.

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

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

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

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Teresa D. Shaddock**
UAMAS BioVentures
4301 W. Markham Street, #831
Little Rock, AR 72205

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EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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MAY 03 2010

OFFICE OF PETITIONS

In re Application of
Yair Bourlas, et. al.
Application No. 11/625,773
Filed: January 22, 2007
Attorney Docket No. WILAN-P00530US1

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed January 27, 2010.

The request is **NOT APPROVED**.

It is noted that a power of attorney was filed by the assignee on March 10, 2010, which revoked any previous power of attorney or authorization of agent. Therefore, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is moot.

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

This application file is being referred to Technology Center Art Unit 2617, to await a response to the Office action mailed March 31, 2010.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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

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JENNIFER J. RIEL
RIEL LAW
9550 S. EASTERN AVENUE, SUITE 253
LAS VEGAS, NV 89123

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MAR 0 3 2009

OFFICE OF PETITIONS

In re Application of
Werner A. **KLING, et al.**
Application No. 11/625,782
Filed: January 22, 2007
Attorney Docket No. **5ELE-01P3**

DECISION ON PETITION TO WITHDRAW FROM RECORD UNDER 37 CFR 1.36(b)

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 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 Jennifer J. Riel, the sole attorney of record. Jennifer J. Riel has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the first named signing inventor Werner A. Kling at the address below until otherwise properly notified by the applicant.

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

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

cc: **WERNER ALECSANDER KLING**
MUNKERUDVOLLEN 7 A
OSLO, NORWAY 1165

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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CROMPTON, SEAGER & TUFTE, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS, MN 55403-2420

Mail Date: 04/21/2010

Applicant	: Paul Scopton	: DECISION ON REQUEST FOR
Patent Number	: 7610912	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/625,785	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/22/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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

Grant Anderson, LLP
c/o Portfolio IP
P.O. Box 52050
Minneapolis, MN 55402

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JUL 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Greg Liang	:	
Application No. 11/625,813	:	DECISION ON PETITION
Filed: January 22, 2007	:	TO WITHDRAW
Attorney Docket No. ACR-1004-UT	:	FROM RECORD
	:	

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, 2009.

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

A review of the file record indicates that the power of attorney to Sheryl R. Silverstein and all attorneys/agents associated with customer number 69406 has been revoked by the assignee of the patent application on June 4, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: King & Spalding, LLP
P.O. Box 889
Belmont, CA 94002-0889

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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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STEPHEN C. KAUFMAN
IBM CORPORATION
INTELLECTUAL PROPERTY LAW DEPT.
P. O. BOX 218
YORKTOWN HEIGHTS NY 10598

MAILED

JUL 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Emek et al.	:	
Application No. 11/625,831	:	DECISION ON PETITION
Filed: January 23, 2007	:	
Attorney Docket No. IL920060079US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 28, 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 June 1, 2010, as required by the Notice of Allowance and Fee(s) Due mailed March 1, 2010. Accordingly, the date of abandonment of this application is June 2, 2010. A Notice of Abandonment was mailed June 15, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510.00 and publication fee of $300.00; (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

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

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

Joan Olszewski
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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www.uspto.gov

GENERAL MOTORS LLC
LEGAL STAFF
MAIL CODE 482-C23-B21
P O BOX 300
DETROIT, MI 48265-3000

Mail Date: 04/21/2010

Applicant	: Jian Lin	: DECISION ON REQUEST FOR
Patent Number	: 7591170	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/625,834	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **95** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/625,981	01/23/2007	Stefan Rueping	S0193.0095	9392

38881 7590 12/22/2008

DICKSTEIN SHAPIRO LLP
1177 AVENUE OF THE AMERICAS 6TH AVENUE
NEW YORK, NY 10036-2714

EXAMINER	
FRECH, KARL D	
ART UNIT	**PAPER NUMBER**
2887	

MAIL DATE	DELIVERY MODE
12/22/2008	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.

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

12/18/2008

DICKSTEIN SHAPIRO LLP
1177 AVENUE OF THE AMERICAS 6TH AVENUE
NEW YORK NY 10036-2714

In re Application of:
Stefan Reuping
Serial No.: 11/625,981
Filed: January 23, 2007
Title: **MEMORY ACCESS CONTROLLER AND METHOD FOR MEMORY ACCESS CONTROL**

DECISION *SUA SPONTE* WITHDRAWING HOLDING OF ABANDONMENT

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

A final Office action was mailed on May 14, 2008, setting a three-month shortened statutory period for responding thereto. A Notice of Abandonment was mailed on December 16, 2008. The final office action was for another patent application, but the application number was transposed inadvertently. Since the final office action was mailed in error, the Notice of Abandonment mailed on December 16, 2008 is improper.

The Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn in view of the fact that the final Office action was improper. Thus, the application should have not been abandoned in fact.

The final Office action mailed on May 14, 2008 is hereby vacated, and the above-identified application will be forwarded to the examiner for appropriate action. Inconvenience to the applicant is regretted.

Any inquiry regarding this decision should be directed to Steven Paik, Supervisory Patent Examiner, at (571) 272-2404.

Cassandra C. Spyrou, TC Director (Acting)
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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BERESKIN AND PARR
40 KING STREET WEST
BOX 401
TORONTO ON M5H 3Y2 CA CANADA

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JUL 27 2007

OFFICE OF PETITIONS

In re Application of :
Julian Paas et al. :
Application No. 11/626,001 : DECISION ACCORDING STATUS
Filed: January 23, 2007 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 13210-522 :

This is in response to the petition filed June 13, 2007 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on January 23, 2007, but without a signed declaration. Accordingly, on February 13, 2007, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, on June 13, 2007, the instant petition under 37 CFR 1.47(a), an oath or declaration executed by all joint inventors except Julian Paas and a two month extension of time request was filed. The petition argues that joint inventor Paas refuses to sign the oath or declaration and thus by his actions, 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 sent to Mr. Paas via FEDEX and email and that he has not returned an executed 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.

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 07/13/2010

Applicant	: Guohong Zhang	: DECISION ON REQUEST FOR
Patent Number	: 7642021	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/626,009	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **322** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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J C PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE, CA 92618

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FEB 15 2008

OFFICE OF PETITIONS

In re Application of	:	
Ta-Yung Yang	:	
Application No. 11/626,026	:	NOTICE
Filed: January 23, 2007	:	
Attorney Docket No. JCLA23301	:	

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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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	: Jan Vetrovec	: DECISION ON REQUEST FOR
Patent Number	: 7609741	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/626,096	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **248** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 08 2010

OFFICE OF PETITIONS

SABIC – O8CV – CPP
SABIC INNOVATIVE PLASTICS, IP LEGAL
ONE PLASTICS AVENUE
PITTSFIELD MA 01201-3697

In re Application of :
Kristen COHOON, et al :
Application No. 11/626,105 : ON PETITION
Filed: January 23, 2007 :
Attorney Docket No. 217400-2 (P280156US2) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 8, 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 August 25, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is November 26, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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) the required statement of unintentional delay have been received.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. 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.

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 April 8, 2010, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's Deposit Account No. 50-4778.

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

cc: LEAH M. REIMER, PH.D
CANTOR COLBURN LLP
20 CHURCH STREET, 22ND FLOOR
HARTFORD, CT 06104

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JAEKLE FLEISCHMANN & MUGEL, LLP
12 FOUNTAIN PLAZA
BUFFALO, NY 14202-2292

MAILED

APR 27 2010

OFFICE OF PETITIONS

In re Application of :
Bruce Holm et al :
Application No. 11/626,128 : DECISION ON PETITION
Filed: January 23, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 94773.032603 :

This is a decision on the petition filed October 5, 2009 under 37 CFR 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be

construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

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 matter is being referred to Technology Center Art Unit 1647 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 Bucei
Petition 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
11/626,128	01/23/2007	1647	490	94773.032603	12	2

CONFIRMATION NO. 9651

CORRECTED FILING RECEIPT

23469
Jaekle Fleischmann & Mugel, LLP
12 Fountain Plaza
Buffalo, NY 14202-2292

Date Mailed: 04/12/2010

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)

Bruce Holm, Rochester, NY;
Edmund A. Egan, Buffalo, NY;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/761,250 01/23/2006
and is a CIP of PCT/US2006/002423 01/23/2006

Foreign Applications

If Required, Foreign Filing License Granted: 03/06/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/626,128**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

Treatment of Acute Respiratory Distress Syndrome

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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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.
11/626,158	01/23/2007	Kazushige Ohno	296750US40 DIV	9709

7590 08/07/2009

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

EXAMINER	
BALDWIN, GORDON	

ART UNIT	PAPER NUMBER
1794	

NOTIFICATION DATE	DELIVERY MODE
08/07/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
08/07/2009 0030073091

Credit Card Refund Total: $1100.00

Am Exp..: XXXXXXXXXX1000

Adjustment date: 08/07/2009 NFARMER
01724/2007 INTEFSW 00000541 11626158
02 FC:1111 -500.00 OP
04 FC:1201 -600.00 OP

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

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JUN 23 2008

OFFICE OF PETITIONS

In re Application of :
Laurence Hamid :
Application No. 11/626,160 : DECISION ON PETITION
Filed: January 23, 2007 : TO WITHDRAW
Attorney Docket No. PH-0775 : FROM RECORD
:

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

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Woodcock Washburn, LLP has been revoked by the assignee of the patent application on June 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 undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: PERKINS COIE
1201 THIRD AVENUE
SUITE 4800
SEATTLE, WA 98101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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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	: Joseph C. Marsh	: DECISION ON REQUEST FOR
Patent Number	: 7627447	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/626,168	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE, KY 40202

MAILED

MAR 06 2009

OFFICE OF PETITIONS

In re Application of :
Keiron O'Connell, et. al. :
Application No. 11/626,171 : ON PETITION
Filed: January 23, 2007 :
Attorney Docket No. ZM921/06056 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 26, 2009, 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 James E. Cole appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Cole 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.

This application became abandoned for failure to timely file a response to the Notice to File Missing Parts of Non-provisional Application mailed February 13, 2007. A Notice of Abandonment was mailed on January 13, 2009.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must 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 executed oath/declaration with the $130 surcharge; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

Since petitioner previously paid the $130 late filing surcharge on June 12, 2007, the duplicate payment of $130 submitted on January 26, 2009 is unnecessary and petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

This application file is being referred to the Office of Patent Application Processing for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: James E. Cole
401 S. 4th Street, Suite 2500
Louisville, Kentucky 40202

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Paper No.

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AUG 21 2007

OFFICE OF PETITIONS

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

In re Application Of:	
Allen M. Ziegler	
Application No. 11/626,172	DECISION ON PETITION UNDER
Filed: January 23, 2007	37 C.F.R. § 1.47(B)
Attorney Docket No. 16533US02	
Title: APPARATUS AND METHOD FOR TREATMENT OF MICROORGANISMS DURING PROPAGATION, CONDITIONING AND FERMENTATION	

This is in response to the petition under 37 C.F.R. §1.47(b)[1], filed on May 24, 2007.

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1 A grantable petition under 37 C.F.R. §1.47(b) requires:
(1) The petition fee;
(2) a surcharge if the petition was not filed at the time of filing of the application;
(3) a statement of the last known address of each of the non-signing inventors;
(4) proof that either:
a) a copy of the application was sent or given to each of the non-signing inventors for review and proof that each of the non-signing inventors refused to sign, or;
b) proof that diligent efforts have been made to locate the non-signing inventor
(5) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
(6) proof of irreparable damage, and;
(7) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 C.F.R. §1.63.

The above-identified application was filed on January 23, 2007, without an executed oath or declaration and identifying Allen M. Ziegler as the sole inventor. On February 20, 2007, Applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration in compliance with 37 C.F.R. §1.63 and the surcharge for the late filing of the same. The notice set a two-month period for reply.

With the present petition, Petitioner has submitted, *inter alia*, a statement of facts, a copy of a letter, a declaration that has been executed by the assignee along with the surcharge associated with the late submission of the same, a two-month extension of time, and the last-known address of the non-signing inventor.

Petitioner has met requirements (1) - (3) and (5) of 37 C.F.R. §1.47(b).

Regarding the **fourth requirement** of Rule §1.47(b), Rule §1.47(b) applicant has failed to establish that a complete copy of the application was sent to the non-signing inventor. It does not appear that a complete copy of the application was sent to the last known address of the non-signing inventor. Where a refusal of the inventor to sign the application papers is alleged, the Office requires the petitioner to establish that a bona fide attempt was made to mail a complete copy of the application, which entails the specification, claims, drawings, and oath or declaration[2]. As no mention has been made of any presentation of the application to the non-signing joint inventor, the fourth requirement has not been met. Before filing the renewed petition, Petitioner should mail a complete copy of the application to the last known residential address of the non-signing inventor, and provide him with a reasonable period of time to respond. Petitioner should note that any statement that pertains to the presentation should be made by one having firsthand knowledge of the event. Statements based on hearsay are not normally accepted.

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

2 See MPEP 409.03(d).

or she is being asked to sign and refuses to accept the application papers. It is reasonable to require that the inventors be presented with the application papers before a petition under Rule § 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed[3].

Regarding the **sixth requirement** of Rule § 1.47(b), no proof of irreparable damage has been submitted[4]. A statement by Rule 47(b) applicant that the filing is necessary to preserve the rights of the parties would be sufficient.

Regarding the **seventh requirement** of Rule § 1.47(b), the declaration cannot be accepted. First, it does not appear that the corporation has authorized Mr. Perry to sign the declaration on its behalf, since it does not appear that proof of Mr. Perry's authority has been submitted[5]. Secondly, the declaration fails to list Mr. Perry's title[6].

Pursuant to the discussion above, the present showing is incomplete. It follows that this petition under 37 C.F.R. § 1.47(b) must be **DISMISSED**.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 1.47(b)." This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[7], hand-delivery[8], or facsimile[9]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[10].

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

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3 In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
4 See MPEP §409.03(g).
5 See MPEP § 409.03(b)(A) and 37 C.F.R. § 3.73.
6 See MPEP § 409.03(b)(A).
7 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
8 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
9 (571) 273-8300- please note this is a central facsimile number.
10 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

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[11]. 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

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

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OFFICE OF PETITIONS

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

In re Application Of:
Allen M. Ziegler
Application No. 11/626,172
Filed: January 23, 2007
Attorney Docket No. 16533US02
Title: APPARATUS AND METHOD FOR TREATMENT OF MICROORGANISMS DURING PROPAGATION, CONDITIONING AND FERMENTATION

DECISION NOTING JOINDER AND DISMISSING RENEWED PETITION UNDER 37 C.F.R. § 1.47(B) AS MOOT

This is in response to the renewed petition under 37 C.F.R. §1.47(b)[1], filed on December 5, 2007.

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1 A grantable petition under 37 C.F.R. § 1.47(b) requires:
(1) The petition fee;
(2) a surcharge if the petition was not filed at the time of filing of the application;
(3) a statement of the last known address of each of the non-signing inventors;
(4) proof that either:
  a) a copy of the application was sent or given to each of the non-signing inventors for review and proof that each of the non-signing inventors refused to sign, or;
  b) proof that diligent efforts have been made to locate the non-signing inventor
(5) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
(6) proof of irreparable damage, and;
(7) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 C.F.R. § 1.63.

The above-identified application was filed on January 23, 2007, without an executed oath or declaration and identifying Allen M. Ziegler as the sole inventor. On February 20, 2007, Applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration in compliance with 37 C.F.R. § 1.63 and the surcharge for the late filing of the same. The notice set a two-month period for reply.

An original petition was filed on May 24, 2007, which was dismissed via the mailing of a decision on August 21, 2007.

With this renewed petition, Petitioner has included a two-month extension of time to make timely this response, along with a declaration that has been executed by this previously non-signing inventor.

As such, this 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.

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

---

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

Mail Date: 04/20/2010

Applicant	: Dominique Louis SURLERAUX	: DECISION ON REQUEST FOR
Patent Number	: 7595334	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/626,183	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **153** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

Mail Date: 04/20/2010

Applicant	: Dhaval N. Shah	: DECISION ON REQUEST FOR
Patent Number	: 7657643	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/626,234	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **197** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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HUMAN GENOME SCIENCES INC.
INTELLECTUAL PROPERTY DEPT.
14200 SHADY GROVE ROAD
ROCKVILLE, MD 20850

MAILED

JUN 2 8 2010

OFFICE OF PETITIONS

Applicant: Roschke, et al.
Appl. No.: 11/626,244
Filing Date: January 23, 2007
Title: HUMAN G-PROTEIN CHEMOKINE RECEPTOR (CCR5) HDGNR10
Attorney Docket: PF189ABP1D2
Pub. No.: US 2009/0226416 A1
Pub. Date: September 10, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 9, 2009 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in Claims 21 and 53.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to 21(b) wherein the phrase "XF27/28.36F11" was misprinted as "XF27/2836μ1", maybe Office error, but is not a material Office error. There are other occasion in the publication where the correct phase is used, thus anyone with ordinary skill in the art would understand its meaning. With respect to claim 53(m) wherein the phrase "Pneumocystis carnii" is not italicized is not a material Office error. They do not affect the

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

understanding of the application. The error does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/626,266	01/23/2007	Yoshinobu ISHII	89337.0004	9898

26021 7590 06/02/2009

HOGAN & HARTSON L.L.P.
1999 AVENUE OF THE STARS
SUITE 1400
LOS ANGELES, CA 90067

EXAMINER
WALSH, RYAN D

ART UNIT	PAPER NUMBER
2852	

NOTIFICATION DATE	DELIVERY MODE
06/02/2009	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):

laprosecution@hhlaw.com
ctkeyner@hhlaw.com
jalonso-sida@hhlaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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Hogan & Hartson, LLP
1999 Avenue of the Stars
Suite 1400
Los Angeles, CA 90067

In re Application of
Yoshinobu Ishii
Application No.: 11/626,266
Filed: 23 January 2007
Attorney Docket No.: 89337.004
For: ELECTROPHOTOGRAPHIC PHOTOSENSITIVE MEMBER, AND IMAGE FORMING APPARATUS USING SAME

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 10 March 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

1. The U.S. application is
   (a) a Paris Convention application which either
      (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
      (ii) validly claims priority to a PCT application that contains no priority claims,

or

   (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      (i) validly claims priority to an application filed in the JPO, or
      (ii) validly claims priority to a PCT application that contains no priority claims, or
      (iii) contains no priority claim,

or

(c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

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

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)

b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

7. The required petition fee under 37 CFR 1.17(h).

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

Conditions 2-5 and 7 above are considered to have been met. However the request to participate in the PPH program fails to meet conditions 1 and 6.

Regarding condition 1, the instant application complies with section 1(a)(i), it being a Paris Convention application which validly claims priority under 35 USC 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO. However, no identification between the JPO application that contains the allowable/patentable claims (2006-354700) and the priority application (2006-19720) claimed in the U.S. application has been established. Applicant is required to establish this relationship in response to this dismissal.

Regarding condition 6, the documents cited by the JPO examiner in the JPO office action of 8/19/08 have not been submitted. Applicant is required to correct this error in response to this dismissal.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Darren Schuberg at 571 272 2044.

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

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

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

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.
11/626,266	01/23/2007	Yoshinobu ISHII	89337.0004	9898

26021 7590 09/17/2009

HOGAN & HARTSON L.L.P.
1999 AVENUE OF THE STARS
SUITE 1400
LOS ANGELES, CA 90067

EXAMINER	
WALSH, RYAN D	
ART UNIT	**PAPER NUMBER**
2852	

NOTIFICATION DATE	DELIVERY MODE
09/17/2009	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):

ctkeyner@hhlaw.com
LAUSPTO@hhlaw.com
lbrivero@hhlaw.com

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

HOGAN & HARTSON, LLP
1999 Avenue of the Stars
Suite 1400
Los Angeles, CA 90067

In re Application of
Yoshinobu ISHII
Application No.: 11/626,266
Filed: 23 January 2007
Attorney Docket No.: 89337.004
For: ELECTROPHOTOGRAPHIC PHOTOSENSITIVE MEMBER, AND IMAGE FORMING APPARATUS USING SAME

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 10 March 2009, and renewed on 17 June 2009, 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 is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority to an application filed in the JPO, or
    ii. validly claims priority to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

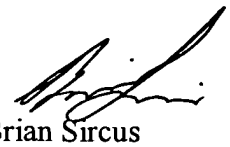
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

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 will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



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

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Alexandria, VA 22313-1450
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PERKINS COIE LLP (BOEING)
P.O. BOX 1247
PATENT - SEA
SEATTLE WA 98111-1247

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OFFICE OF PETITIONS

In re Application of	:	
Anil D. Shah, et al.	:	
Application No. 11/626,282	:	DECISION GRANTING PETITION
Filed: January 23, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 030048208US1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 22, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application is being referred to Technology Center AU 3644 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams
Petitions Examiner
Office of Petitions

[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 : 3-26-09

TO SPE OF : ART UNIT 3747

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/626,310 Patent No.: 7409949

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

FOR IFW FILES: Check Drawings

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

Ennis Young
Certificates of Correction Branch
703-308-9390 ext. 117

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: _____

STEPHEN K. CRONIN
SUPERVISORY PATENT EXAMINER

SPE **Art Unit** 3747

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MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND WA 98052-6399

MAILED

JUN 10 2010

OFFICE OF PETITIONS

In re Application of :
Siu Chi Hsu :
Application Number: 11/626330 : ON PETITION
Filing Date: 01/23/2007 :
Attorney Docket Number: :
319229.01 :

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on March 17, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on October 7, 2009, for failure to timely submit a response to the non-final Office action mailed on July 6, 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. On February 17, 2010, Notice of Abandonment was mailed.

Receipt of the amendment filed on March 17, 2010, is acknowledged.

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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)).

This application is being referred to Technology Center Art Unit 2628 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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

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JUL 22 2008

OFFICE OF PETITIONS

In re Application of :
Y. King LIU, et al :
Application No. 11/626,336 : DECISION ON PETITION
Filed: January 23, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. OSEON.001A : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 27, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a photocopy of Inventor Young King Liu 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 571-272-6735.

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 Technology Center Art Unit 3733 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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BEVER HOFFMAN & HARMS, LLP
901 CAMPISI WAY
SUITE 370
CAMPBELL CA 95008

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SEP 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Lee et al.	:	
Application Number: 11/626347	:	ON PETITION
Filing Date: 01/23/2007	:	
Attorney Docket Number: SUP-029-7P	:	

This is a decision on the petition filed on July 21, 2009, to withdraw the holding of abandonment.

This application became abandoned on March 18, 2009, for failure to timely file a reply to the non-final Office action mailed on December 17, 2008, which set a three (3) month shortened statutory period for reply. Notice of Abandonment was mailed on July 21, 2009.

In the present petition, petitioners request that the Office withdraw the holding of abandonment due to non-receipt of the non-final Office action mailed on December 17, 2008.

A review of the record indicates no irregularity in the mailing of the non-final Office action mailed on December 17, 2008, and in the absence of any irregularity in the mailing, there is a strong presumption that the non-final Office action mailed on December 17, 2008, was properly mailed to the address of record. This presumption may be overcome by a showing that the non-final Office action mailed on December 17, 2008 was not in fact received.

MPEP 711.03(c) states, in pertinent part:

In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted

> **as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.**
>
> **The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).**
>
> (emphasis added)

At the outset, it is noted that the correspondence address associated with counsel's customer number, Customer Number 22888, was changed shortly after the non-final Office action was mailed. To wit, the Office action was mailed to 2099 Gateway Place, Suite 320, San Jose CA 95110. On March 24, 2009, Office records reflect that the correspondence address associated with the customer number was changed to 901 Campisi Way, Suite 370, Campbell CA 95008.

As such, a question is raised as to whether petitioners were receiving mail at the address of record at the time the non-final Office action mailed on December 17, 2008, was mailed. Petitioners must verify that they were, in fact, receiving mail at the correspondence address listed in the non-final Office action at the time the non-final Office action was mailed, and for a reasonable time thereafter. The showing of record leads to a conclusion that the non-final Office action was returned as undeliverable because petitioners were no longer receiving mail at the correspondence address of record.

Any renewed petition must explain when petitioners' address changed, and explain whether petitioners were receiving mail at the address listed on the non-final Office action at the time the non-final Office action mailed on December 17, 2008 was mailed.

Additionally, petitioner has not provided a copy of the master docket for the firm, nor stated whether the docket record provided is a master docket.

A copy of the practitioner's record(s) required to show non-receipt of the non-final Office action mailed on December 17, 2008 should include the master docket for the firm. That is, if a three (3) month period for reply was set in the nonreceived non-final Office action mailed on December 17, 2008, a copy of the master docket report showing all replies docketed for a date three (3) months from the mail date of the nonreceived non-final Office action mailed on December 17, 2008 must be submitted as documentary proof of nonreceipt of the non-final Office action mailed on December 17, 2008. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Accordingly, as the showing of record is insufficient to warrant withdrawal of the holding of abandonment at this time, the petition is **DISMISSED.** However, such dismissal is without prejudice to reconsideration pending submission of the information requested above.

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.[1] The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

In the alternative, petitioners may wish to file a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application.

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

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

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

[1] See 37 CFR 1.181(f).

By hand: Customer Service 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)272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Nov-09

BEVER HOFFMAN & HARMS, LLP
901 CAMPISI WAY
SUITE 370
CAMPBELL CA 95008

COPY MAILED

NOV 19 2009

OFFICE OF PETITIONS

In re Application of :
Lee et al. :
Application Number: 11/626347 : ON PETITION
Filing Date: 01/23/2007 :
Attorney Docket Number: SUP-029-7P :

This is a decision on the RENEWED PETITION UNDER 37 CFR 1.181 filed on October 12, 2009, which is treated as a petition to withdraw the holding of abandonment.

This application was held abandoned on March 18, 2009, for failure to timely file a reply to the non-final Office action mailed on December 17, 2008, which set a three (3) month shortened statutory period for reply. Notice of Abandonment was mailed on July 21, 2009. On July 21, 2009, a petition to withdraw the holding of abandonment was filed. On September 23, 2009, the petition was dismissed.

In the present petition, petitioners again request that the Office withdraw the holding of abandonment due to non-receipt of the non-final Office action mailed on December 17, 2008.

A review of the record indicates no irregularity in the mailing of the non-final Office action mailed on December 17, 2008, and in the absence of any irregularity in the mailing, there is a strong presumption that the non-final Office action mailed on December 17, 2008, was properly mailed to the address of record. This presumption may be overcome by a showing that the non-final Office action mailed on December 17, 2008 was not in fact received.

MPEP 711.03(c) states, in pertinent part:

In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office

> action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.
>
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Petitioners' counsel, registered patent practitioner Patrick T. Bever, asserts that counsel was receiving mail at the address of record listed on the nonreceived Office action until the close of business on March 27, 2009. Further, counsel states that the screen shots submitted with the original petition, a copy of which were provided with the subject renewed petition, are a copy of counsel's master docket, showing a status check made in PAIR on May 12, 2008, showed that the Office action had not been received, and that a follow-up check was docketed for October 21, 2009.

Accordingly, petitioners have provided an adequate showing that the Office action mailed on December 17, 2008 was never received.

Therefore, there is no abandonment in fact. The Notice of Abandonment is hereby vacated, and the holding of abandonment withdrawn.

The petition is **GRANTED.**

Receipt of the amendment filed on July 21, 2009 is acknowledged. As a reply to the non-final Office action mailed on December 17, 2008 has been filed, it is not necessary to remail the Office action.

The application is being referred to Technology Center Art Unit 2117 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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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FAY SHARPE/LUCENT
1100 SUPERIOR AVE
SEVENTH FLOOR
CLEVELAND, OH 44114

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APR 10 2008

OFFICE OF PETITIONS

In re Application of :
Stuart O. Goldman et al :
Application No. 11/626,350 : ON PETITION
Filed: January 23, 2007 :
Attorney Docket No. LUTZ 2 00515 :

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

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Requirements (Notice) mailed February 13, 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 April 14, 2007.

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 $1640 extension of time submitted with the petition on November 13, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credit to petitioner's credit card.

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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GOMEZ INTERNATIONAL PATENT OFFICE, LLC
1501 N. RODNEY STREET
SUITE 101
WILMINGTON DE 19806

MAILED

MAR 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Perry et al.	:	
Application No. 11/626,354	:	DECISION ON PETITION
Filed: January 23, 2007	:	
Attorney Docket No. Quantum-14 USA	:	

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before September 30, 2009, as required by the Notice of Allowance and Fee(s) Due mailed June 30, 2009. Accordingly, the date of abandonment of this application is October 1, 2009. A Notice of Abandonment was mailed October 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 $755.00 (submitted on February 28, 2010); (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/626,396	01/24/2007	Hua Wang	126667-9	1107

7590 06/04/2009

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
HAIDER, SAIRA BANO

ART UNIT	PAPER NUMBER
1796	

NOTIFICATION DATE	DELIVERY MODE
06/04/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 06/04/2009 NFORMER
01/24/2007 INTEFSU 00001168 503621 11626396
02 FC:1111 500.00 CR

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JEFFREY C. LEW
2205 SILVERSIDE ROAD
WILMINGTON DE 19810

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DEC 2 6 2007

OFFICE OF PETITIONS

In re Application of	:	
Roman et al.	:	
Application No. 11/626419	:	DECISION ON PETITION
Filed: 01/24/2007	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 47394-S6090-53b	:	

This is a decision on the Petition Under 37 CFR 1.78(a)(6) and Section 201.11 V. of the MPEP," filed September 28, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

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

This pending nonprovisional application was filed on January 24, 2007, as a continuation of prior application 10/353,210, filed January 27, 2003, which was filed within twelve months of the filing date of the prior-filed provisional application, Application No. 60/430,327, which was filed on December 2, 2002, and for which priority is claimed. A reference to the prior-filed provisional application 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, is required.

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

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

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

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

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

Anthony Knight
Supervisor
Office of Petitions

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JEFFREY C. LEW
2205 SILVERSIDE ROAD
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JUN 0 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Roman et al.	:	
Application No. 11/626419	:	DECISION ON PETITION
Filed: 01/24/2007	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 47394-S6090-53b	:	

This is a decision on the Renewed Petition Under 37 CFR 1.78(a)(6)," filed May 8, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **GRANTED**.

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

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

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

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the prior-filed 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 and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt

accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to Derek Woods at (571) 272-3232. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2874 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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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
11/626,419	01/24/2007	1797	1000	47394-S6090-53B	10	2

CONFIRMATION NO. 1168

20454
JEFFREY C. LEW
2205 SILVERSIDE ROAD
WILMINGTON, DE 19810

CORRECTED FILING RECEIPT

Date Mailed: 05/20/2008

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)

Ian C. Roman, Bear, DE;
John W. Simmons, Wilmington, DE;
Okan Max Ekiner, Wilmington, DE;

Assignment For Published Patent Application

L'Air Liquide Societe Anonyme A Directoire et Conseil de Surveillance Pour L'Etude et L'Explorat, Paris, FRANCE

Power of Attorney:
Linda Russell--34918
Jeffrey Lew--35935

Domestic Priority data as claimed by applicant

This application is a CON of 10/353,210 01/27/2003 PAT 7,250,545 which claims benefit of 60/430,327 12/02/2002

Foreign Applications

If Required, Foreign Filing License Granted: 03/06/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/626,419**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD OF SEPARATING OLEFINS FROM MIXTURES WITH PARAFFINS

Preliminary Class

208

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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Date Mailed : August 28, 2900

Serial no. : 11/626421
Patent No. :7,419,312 B2
Patent Issued :September 2, 2008
Inventor(s) : Kimio Nagasaka et al.
Title : OPTICAL MODULE

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.

The alleged error in the omission of the priority data, resulted from applicant's failure to fully comply with 35 U.S.C. 119, in that the **certified copy of the application was not filed in the instant application or any other related patent.**

Therefore, the right to priority was lost, and no correction is in order here under 35 U.S.C. 254 or 255 (Rules 1.322 or 1.323), unless a petition is granted.

In view of the foregoing your request is hereby denied.

Magdalene Talley
For Cecelia B. Newman, Supervisor
Decision and Certificate
Of Correction Branch
(703)308-9390 ext. 116
Fax (703) 746-4656

G. Gregory Schivley
Harness, Dickey & Pierce PLC
P.O. Box 828
Bloomfield Hills, MI 48303

CBN/mt

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NIDEC CORPORATION
c/o KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Takehito TAMAOKA	: DECISION ON REQUEST FOR
Patent Number	: 7626305	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/626,453	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **367** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York, NY 10008-0770

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SEP 17 2007

OFFICE OF PETITIONS

In re Application of :
Baenzinger, Bencharab, Cottet, Frattini, Ladstaetter, :
Stallone, and Verrier :
Application No. 11/626,467 : DECISION GRANTING STATUS
Filed: January 24, 2007 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 20792/0206060-US0 :
For: INSULATING COVER FOR A BAR TO BAR CONNECTION OF A STATOR WINDING OF AN ELECTRIC MACHINE

This is in response to the petition under 37 CFR 1.47(a), filed September 5, 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-identified application was filed on January 24, 2007, without a proper oath or declaration. Accordingly, a "Notice to File Missing Parts of Nonprovisional Application" was mailed on February 16, 2007, requiring an executed oath or declaration, and a surcharge for the late filing of the oath or declaration. The instant petition was filed on September 5, 2007, and accompanied by a request for an extension of time within the fifth month.

Petitioner has shown that inventor Cottet has constructively refused join the prosecution of the application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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GENERAL MOTORS LLC
LEGAL STAFF
MAIL CODE 482-C23-B21
P O BOX 300
DETROIT, MI 48265-3000

Mail Date: 04/21/2010

Applicant	: Goro Tamai	: DECISION ON REQUEST FOR
Patent Number	: 7669569	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/626,469	: OF WYETH
Filed	: 01/24/2007	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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

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GENERAL MOTORS LLC
LEGAL STAFF
MAIL CODE 482-C23-B21
P O BOX 300
DETROIT, MI 48265-3000

Mail Date: 04/21/2010

Applicant	: Goro Tamai	: DECISION ON REQUEST FOR
Patent Number	: 7646289	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/626,488	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **374** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

Mail Date: 04/21/2010

Applicant	: Richard Mizon	: DECISION ON REQUEST FOR
Patent Number	: 7650808	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/626,510	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON DC 20006

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FEB 11 2009

OFFICE OF PETITIONS

In re Application of :
Ohk et al. :
Application Number: 11/626522 : ON PETITION
Filing Date: 01/24/2007 :
Attorney Docket Number: 104-1275 :

This is a decision on the petition filed on December 18, 2008, under 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned on April 10, 2008, for failure to timely respond to the non-final Office action mailed on January 9, 2008, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on September 5, 2008.

Receipt of the amendment in response to the non-final Office action mailed on January 9, 2009 is acknowledged.

The application is referred to Technology Center Art Unit 2819 for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Omri M. Behr
325 Pierson Avenue
Edison, NJ 08837-3123

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OFFICE OF PETITIONS

In re Application of :
Leonard Mackles et al. :
Application No. 11/626,551 : DECISION ON PETITION
Filed: January 24, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. CHAV3.0-043 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 24, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 1616 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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P.O. BOX 1450
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OGILVY RENAULT, LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL, QCH 3A243

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DEC 05 2008

Applicant: Klassen
Appl. No.: 11/626,605
Filing Date: January 24, 2007
Title: METHODS OF APPLYING SPHERICAL CORRECTION MAP, DATA FOR RENDERING DIRECTION-OF-TRAVEL PATHS ON A WIRELESS COMMUNICATION DEVICE
Attorney Docket No.: 16813-106US MMR/ma
Pub. No.: US 2007/0229546 A1
Pub. Date: October 4, 2007

This is a decision on the request for amending the patent application publication, received on November 21, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the patent application be amended because the patent application publication contains errors on page 6 of the specification in paragraphs [006], [0063] and [0064].

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 (*e.g.*, error in the claims, serious error in a portion of the written description or drawings that is necessary to support the claims). [1]

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the typographical errors in paragraphs [0050], [0054] and [0073] of the specification. The rules do not provide for amending a patent application publication. If applicant desires to amend the application, he should file an amendment in

[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).

compliance with 37 CFR 1.121.

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MEDTRONIC VASCULAR, INC.
IP LEGAL DEPARTMENT
3576 UNOCAL PLACE
SANTA ROSA, CA 95403

Mail Date: 04/20/2010

Applicant	: Matthew F. Spurchise	: DECISION ON REQUEST FOR
Patent Number	: 7628306	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/626,616	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON DC 20005

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DEC 3 1 2009

OFFICE OF PETITIONS

In re Application of :
Jeffrey T. NADZAM :
Application No. 11/626,621 : DECISION ON PETITION
Filed: January 24, 2007 : TO WITHDRAW
Attorney Docket No. 70465.00018.UTL : FROM RECORD
:

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

The request is **NOT APPROVED.**

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

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address does not include a proper power of attorney nor is the address that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71.

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

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

/Diane Goodwyn/
Petitions Examiner
Office of Petitions

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PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

Mail Date: 04/21/2010

Applicant	: Timothy Haines	: DECISION ON REQUEST FOR
Patent Number	: 7662183	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/626,634	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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

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Adam K. Sacharoff
MUCH SHELIST FREED DENENBER AMENT & RUBENSTEIN, PC
191 North Wacker Drive
Suite 1800
Chicago, IL 60606-1615

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OCT 27 2008

In re Application of	:	
Craig Rappin	:	
Application No. 11/626,645	:	DECISION ON PETITION
Filed: January 24, 2007	:	TO WITHDRAW
Attorney Docket No. 0004040.0009	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 20, 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 Adam K. Sacharoff 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 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 Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Michael A. Carrillo**
Neal, Gerber & Eisenberg LLP
Two North LaSalle Street, Suite 2200
Chicago, IL 60602

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/626,645	01/24/2007	Craig Rappin	0004040.0009

CONFIRMATION NO. 1588

POWER OF ATTORNEY NOTICE

34755
ADAM K. SACHAROFF
MUCH SHELIST FREED DENENBERG AMENT&RUBENSTEIN,PC
191 N. WACKER DRIVE
SUITE 1800
CHICAGO, IL 60606-1615

Date Mailed: 10/27/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/20/2008.

- 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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LAKEWAY 3, SUITE 3290
3838 NORTH CAUSEWAY BLVD.
METAIRIE, LA 70002

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AUG 18 2008

OFFICE OF PETITIONS

In re Application of :
Robert **BARTLETT** :
Application No. 11/626,648 : DECISION ON PETITION
Filed: January 24, 2007 :
Attorney Docket No. A07306US (99310.2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 21, 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 February 14, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. A four (4) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on August 15, 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 declaration, substitute specification, replacement drawings and the required fees; (2) the petition fee of $770; and (3) the required 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 Diane Goodwyn at (571)272-6735.

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 November 21, 2007.

Thurman Page
Petitions Examiner
Office of Petitions

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APR 0 1 2010

HOUSTON ELISEEVA LLP
4 MILITIA DRIVE
SUITE 4
LEXINGTON MA 02421

In re Application of Petros KOTIDIS Application No. 11/626,660 Filed: January 24, 2007 For: METHOD AND SYSTEM FOR PAY-PER-USE PRESCRIPTION VALIDATION	: : : : : :	DECISION ON PETITION TO CORRECT DEFICIENT REPLY BRIEF UNDER 37 CFR 1.181

This is in response to appellant's petition under 37 CFR 1.181 filed March 6, 2009 requesting that the record be corrected to reflect the timeliness of the reply brief, to provide appellant an opportunity to correct the deficient reply brief, and to reinstate claims 1, 4-10 and 12-13.

The petition is **DENIED.**

The record reveals that the examiner mailed an examiner's answer on December 10, 2008 responding to the appeal brief filed on September 25, 2008. In addition to the art rejections, the examiner's answer includes a new ground of rejection in which claims 1, 4-10 and 12-13 are rejected under U.S.C. 101 as the claimed invention is directed to non-statutory subject matter. Appellant filed a reply brief on February 10, 2009 argues the art rejections but does not address the new ground of rejection under U.S.C. 101. The examiner mailed a communication on March 2, 2009 responding to the reply brief in which the examiner held the reply brief as a untimely response to the examiner's answer mailed on December 10, 2008, dismissed the appeal on claims 1, 4-10, 12-13 pursuant to rule 37 C.F.R. § 41.39(b), and canceled claims 1, 4-10 and 12-13.

Appellant's petition alleges that the examiner's communication dated March 2, 2009 was improper because the reply brief was timely filed within 2 months from the date of the examiner's answer, that the reply brief has been a bona fide attempt at response and as such appellant should be given another opportunity to properly address the new ground of rejection. Appellant also argues that the examiner has improperly canceled claims 1, 4-10 and 12-13.

Rule 37 C.F.R. 41.39(b) specifies that if an examiner's answer contains a new rejection designated as a new ground of rejection, appellant must within two months from the date of the examiner's answer exercise one of the following two options to avoid *sua sponte* dismissal of the

appeal as to the claims subjected to the new ground of rejection: (1) reopen prosecution, or (2) maintain the appeal.

MPEP § 1207.03 (V)(A) states that " if the reply is not *bona fide* (e.g., does not address the new ground of rejection) and the two-month time period has expired, examiner must *sua sponte* dismiss the appeal as to the claims subject to the new ground of rejection."

MPEP § 1215.03 states that "If appellant fails to respond to a new ground of rejection made in an examiner's answer by either filing a reply brief or a reply under 37 CFR 1.111 within 2 months from the mailing of the examiner's answer, the appeal is *sua sponte* dismissed as to the claims subject to the new ground of rejection. See MPEP § 1207.03. The examiner should use form paragraph 12.179.02 to notify the appellant of the dismissal and cancel those claims."

A review of the examiner's answer dated December 10, 2008 reveals that the examiner clearly labeled the new ground of rejection on page 3 of the examiner's answer, and clearly set out the response requirements for the new ground of rejection in accordance to rule 37 C.F.R. § 41.39(b) on page 23 of the examiner's answer. The reply brief was filed on February 10, 2009 which was certainly within two months from the date of the examiner's answer dated December 10, 2008. However, a close review of the reply brief shows that there was no indication of appellant's intent to either reopen prosecution or to maintain the appeal proceedings for claims 1, 4-10 and 12-13 which were subjected to the new ground of rejection. Since the reply brief does not address the new ground of rejection made in the examiner's answer, the reply brief is considered as not timely responsive, or not a bona fide response. The examiner was correct in his statement that "Appellant failed to timely respond to the examiner's answer mailed on 12/10/09 that included a new ground of rejection..." in the letter dated March 2, 2009 addressing the reply brief. The examiner's *sua sponte* dismissal of the appeal on claims 1, 4-10, 12-13 was proper in accordance to rule 37 C.F.R.§ 41.39(b), MPEP § 1207.03 (V)(A) and MPEP § 1215.03. Therefore, appellant's request for another opportunity to properly address the new ground of rejection is denied.

The examiner's cancellation of claims 1, 4-10 and 12-13 was proper in accordance to MPEP §1207.03 (V) (A) and (C), and 1215.03 set forth above, which outlines the procedure to cancel claims subject to the new ground of rejection in the event that the appellant fails to respond to a new ground of rejection made in an examiner's answer. Therefore, appellant's request to reinstate claims 1, 4-10, and 12-13 is denied.

Any questions regarding this decision should be directed to Supervisory Patent Examiner Jerry O'Connor at (571) 272-6787.

Wynn W. Coggins, Director
Patent Technology Center 3600
(571) 272-5350

lm: 3/25/10

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SEP 23 2009

STANDLEY LAW GROUP LLP
6300 RIVERSIDE DRIVE
DUBLIN, OHIO 43017

In re Application of: Wilson et al.
Application No. 11/626,677
Filed: July 16, 1999
For: TAX REFUND SYSTEM

DECISION ON PETITION UNDER MPEP §724.05 TO EXPUNGE

This is a decision on the petition under MPEP §724.05, filed August 04, 2009, to expunge information from the above identified application.

The petition is **GRANTED**.

Petitioner requests that multiple documents submitted under Artifact Number 11626677XA filed August 04, 2009 be expunged from the record. These documents are different than those found entered into the file history also on August 04, 2009. Petitioner states that the multiple documents submitted under Artifact Number 11626677XA are subject to a protective order and which have not been made public. The petition fee set forth in 37 CFR 1.17(g) has been paid.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. Applicant is required to retain the expunged materials (attached) for the life of any patent which issues on the above-identified application.

Any questions regarding this decision should be directed to Matthew Gart at (571) 272-3955.

LaVynn Coggins, Director
Patent Technology Center 3600
(571) 272-5350

MSG/snm: 9/16/09

Attachment – Contents of Artifact Number 11626677XA

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STANDLEY LAW GROUP LLP
6300 Riverside Drive
Dublin OH 43017

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JUN 11 2010

OFFICE OF PETITIONS

In re Application of
Wilson, et al.
Application No. 11/626,677
Filed: January 24, 2007
Attorney Docket No. BLO1134-012C

ON PETITION

This decision is mailed in response to the petition to revive the above-identified application under the unavoidable delay provisions of 37 CFR 1.137(a), filed April 29, 2010.

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

This application became abandoned for failure to timely respond to the Notice of Allowability, mailed December 30, 2009, which set a three (3) month period for reply. Accordingly, this application became abandoned on March 31, 2010. A Notice of Abandonment was mailed on April 20, 2010.

Petitioners have submitted a copy of previously submitted and approved drawings, an acceptable showing of the unavoidable nature of the delay in responding to the December 30, 2009 Notice of Allowability, and the required $540.00 petition fee, which will not be refunded. All requirements under 37 CFR 1.137(a) being met, the petition is granted.

It is noted that petitioners submitted a terminal disclaimer accompanied by a $140.00 statutory disclaimer fee with the present revival petition. For utility and plant applications filed on or after May 29, 2000, a terminal disclaimer (and fee) is not required since the period of abandonment is reduced from the patent term adjustment pursuant to 37 CFR 1.704. This application was filed after May 29, 2000. Thus, the terminal disclaimer filed with the present revival petition is unnecessary and will not be entered. The $140.00 statutory disclaimer fee will be refunded to petitioners' deposit account.

After the mailing of this decision, the application will be forwarded to the Office of Data Management for processing into a patent.

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

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United States Patent and Trademark Office
P.O. Box 1450
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SNELL & WILMER L.L.P. (MAIN)
400 EAST VAN BUREN
ONE ARIZONA CENTER
PHOENIX AZ 85004-2202

MAILED

FEB 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Bacco et al.	:	
Application No. 11/626,697	:	ON PETITION
Filed: January 24, 2007	:	
Attorney Docket No. 39579.0100	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 14, 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 and Response to Office Action, (2) the petition fee, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $555.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account in due course.

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

This matter is being referred to Technology Center AU 3612 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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HEAD, JOHNSON & KACHIGIAN
228 W 17TH PLACE
TULSA, OK 74119

Mail Date: 04/21/2010

Applicant	: Phillip L. Lieberman	: DECISION ON REQUEST FOR
Patent Number	: 7574832	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/626,731	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **327** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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NEUGEBOREN O'DOWD PC
1227 SPRUCE STREET
SUITE 200
BOULDER, CO 80302

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of
Larry Kutt et al
Application No. 11/626,770
Filed: January 24, 2007
Attorney Docket No. 2400.101.01US

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 19, 2009.

The request is **APPROVED**.

The request was signed by Craig Neugeboren on behalf of all attorneys of record who are associated with customer No. 61529.

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

All future correspondence will be directed to inventor Larry Kutt at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Larry Kutt
Colorado Altitude Training
686 Taylor Ave., Suite 101
Louisville, CO 80027

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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
11/626,770	01/24/2007	Larry Kutt	2400.101.01US

CONFIRMATION NO. 1795

POWER OF ATTORNEY NOTICE

61529
Neugeboren O'Dowd PC
1227 Spruce Street
SUITE 200
BOULDER, CO 80302

Date Mailed: 06/19/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/19/2009.

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

/idingle/

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

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RUTAN & TUCKER, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

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NOV 10 2008

In re Application of :

MUKHERJEE, Jogeshwar et al. :
Application No. 11/626,797 : DECISION ON PETITION
Filed: January 24, 2007 : TO WITHDRAW
Attorney Docket No. **100843.0029US1** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 16, 2008.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed. See PTO/SB/83 (04-08).

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

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **ROBERT FISH**
FISH & ASSOCIATES, PC
2603 MAIN STREET
SUITE 1050
IRVINE CA 92614

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SQUIRE, SANDERS & DEMPSEY L.L.P
PATENT DEPARTMENT
ONE MARITIME PLAZA, SUITE 300
SAN FRANCISCO CA 94111-3492

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JAN 05 2009

OFFICE OF PETITIONS

In re Application of
Karl-Heinz Mellin
Application No. 11/626,836
Filed: January 24, 2007
Attorney Docket No. 060414.000017

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 14, 2008.

The request is **APPROVED**.

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

The request was signed by Song Zhu on behalf of all attorneys of record who are associated with this application. All attorneys/agents associated with this application have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

The application became abandoned for failure to timely reply to the outstanding Office action mailed April 1, 2008.

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

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

cc: KARL-HEINZ MELLIN
HAINER CHAUSSEE 15
DREIELCH 63303
GERMANY

cc: NIXON PEABODY
200 PAGE MILL ROAD
SUITE 200
PALO ALTO, CA 94306

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/626,836	01/24/2007	Karl-Heinz Mellin	060414.000017

CONFIRMATION NO. 1917

POWER OF ATTORNEY NOTICE

30256
SQUIRE, SANDERS & DEMPSEY L.L.P
PATENT DEPARTMENT
ONE MARITIME PLAZA, SUITE 300
SAN FRANCISCO, CA 94111-3492

Date Mailed: 12/29/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/14/2008.

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

/amwise/

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

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MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP
1700 WEST PARK DRIVE
WESTBOROUGH, MA 01581

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JUN 25 2009

OFFICE OF PETITIONS

In re Application of	:	
Gerson et al.	:	DECISION ON PETITION
Application No. 11/626,859	:	TO WITHDRAW
Filed: January 25, 2007	:	FROM RECORD
Attorney Docket No. 40032-019001	:	

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 14, 2009.

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

A review of the file record indicates that on June 12, 2009 the power of attorney to Mirick, O'Connell, Demallie & Lougee, LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Occhiuti Rohlicek & Tsao, LLP
10 Fawcett Street
Cambridge MA 02138

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SAP AG
3410 HILLVIEW AVENUE
PALO ALTO, CA 94304

Mail Date: 04/20/2010

Applicant	: VISHAL GAURAV	: DECISION ON REQUEST FOR
Patent Number	: 7617236	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/626,864	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/25/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **260** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SAP AG
3410 HILLVIEW AVENUE
PALO ALTO, CA 94304

Mail Date: 04/20/2010

Applicant	: VISHAL GAURAV	: DECISION ON REQUEST FOR
Patent Number	: 7624122	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/626,867	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/25/2007	: 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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SAP AG
3410 HILLVIEW AVENUE
PALO ALTO, CA 94304

Mail Date: 05/17/2010

Applicant : VISHAL GAURAV
Patent Number : 7624122
Issue Date : 11/24/2009
Application No: 11/626,867
Filed : 01/25/2007

: 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 **249** 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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Celight, Inc.
12200 Tech Road
Silver Spring, MD 20904

MAR -7 2007

In re Application of:
Isaac Shpantzer et al.
Serial No.: 11/626,920
Filed: January 25, 2007
Title: METHOD AND SYSTEM FOR NUCLEAR SUBSTANCE REVEALING USING MUON DETECTION

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.2

This is a decision on the petition filed on January 25, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **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; and

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

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. 5.2, 5.3, II 6.4 and 6.6 above are considered to have been met. However, the petition fails to comply with the all the conditions set forth in II. 5.1 and II. 6.1, 6.2, 6.3 and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of section II element 5.1 above, it appears the search outlined in the petition omitted a critical search area by not searching in class 250/394 at a minimum to include radiation detection with multiple detectors. Keyword searching utilizing muon and 250/3$.ccls would be an appropriate text search. Any renewed petition should include the above outlined additional searching.

Regarding the requirements of II. 6, the support document supplied by petitioner does not satisfy the requirements set forth in items 6.1, 6.2, 6.3 and 6.5 of condition II. The petition fails to provide an Information Disclosure Statement (IDS) meeting the requirements of 37 CFR 1.98. Therefore it is not clear what references applicant deem to be most closely related to the instant invention. The discussion of references section of the petition suggests petitioner is of the opinion only two references are closely related to the invention while the IDS submitted with the petition list four U.S. patents, one provisional patent application and one non-patent publication. Neither discussion/listing meets the requirements of 37 CFR 1.98. Further, if only two references are being cited by petitioner as being closely related to the instant invention, an explanation of why petitioner is disregarding the other references should be provided.

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 references and where the limitations are disclosed in the cited references. A grantable petition requires an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. More specifically, each reference on the IDS should be discussed indicating what it discloses with respect to each of the claim limitations followed by a detailed description of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c) (item 6.3). 37 CFR 1.111(c) states in part that "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." The support document mentions independent claims 1 and 20, but it fails to mention any other claim. More specifically, it fails to mention the dependent claims 2-19.

Item 6.5 requires a showing of where ***each limitation*** (italics added) of the claims finds support under 35 USC 112, first paragraph in the written description of the specification. The support document simply states "(s)upport in the disclosure under 35 USC 112, first paragraph, is found at least in figs. 1-5 of the application where the system schematic is disclosed." It does not specifically mention any claim limitation and specifically where support for each claim imitation can be found.

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, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petition 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 f the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiries 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 01 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

CELIGHT, INC.
12200 TECH RD.
SILVER SPRING MD 20904

In re Application of:
SHPANTZER, ISAAC, et al.
Serial No.: 11/626,920
Filed: January 25, 2007

Title: **METHOD AND SYSTEM FOR NUCLEAR SUBSTANCE REVEALING USING MUON DETECTION**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the request for reconsideration filed March 14, 2007 which is also a response to the petition decision mailed March 7, 2007. The request for reconsideration filed March 14, 2007 is considered together with the original petition filed January 25, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

PERTINENT BACKGROUND INFORMATION

The petition decision mailed March 7, 2007 set forth that the originally filed petition failed to comply with conditions set forth under section II. items 5.1, 6.1, 6.2, 6.3 and 6.5 above.

The requirement at item II.6.5 above has not been met by the Accelerated Examination Support Document. The showing of support does indicate where each claim is disclosed. However, the requirement is that support for ***each claim limitation*** must be shown in the written description of the specification. Petitioner has not shown support in the written description as required above, set forth in the last paragraph of page three of the decision mailed March 7, 2007.

DECISION

Accordingly, the petition taken together with the request for reconsideration is **denied**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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United States Patent and Trademark Office
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INGRASSIA FISHER & LORENZ, P.C. (FS)
7010 E. COCHISE ROAD
SCOTTSDALE, AZ 85253

Mail Date: 04/20/2010

Applicant	: Todd F. Miller	: DECISION ON REQUEST FOR
Patent Number	: 7665361	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/626,924	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/25/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **162** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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NAVAL RESEARCH LABORATORY
ASSOCIATE COUNSEL (PATENTS)
CODE 1008.2
4555 OVERLOOK AVENUE, S.W.
WASHINGTON DC 20375-5320

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MAY 23 2008

In re Application of	:	
Blunt et al.	:	
Application No. 11/626,935	:	DECISION ON PETITION
Filed: January 25, 2007	:	
Attorney Docket No. 97313-US1	:	

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

The petition is **GRANTED**.

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

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

This matter is being referred to Technology Center 3662 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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MORRISS OBRYANT COMPAGNI, PC
734 EAST 200 SOUTH
SALT LAKE CITY, UT 84102

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MAR 17 2008

OFFICE OF PETITIONS

In re Application of :
WHEAT, et al. :
Application No. 11/626,955 : DECISION ON PETITION
Filed: January 25, 2007 : TO WITHDRAW
Attorney Docket No. 3733.PCRA.NP : FROM RECORD
:

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

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

A review of the file record indicates that the power of attorney to **MORRISS OBRYANT COMPAGNI, PC** has been revoked by the assignee of the patent application on October 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 the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: HONIGMAN MILLER SCHWARTZ & COHN LLP
38500 WOODWARD AVENUE, SUITE 100
BLOOMFIELD HILLS, MI 48304-5048

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MAR 17 2008

HONIGMAN MILLER SCHWARTZ & COHN LLP
38500 WOODWARD AVENUE, SUITE 100
BLOOMFIELD HILLS MI 48304-5048

In re Application of :
WHEAT, et al. :
Application No. 11/626,955 : DECISION ON PETITION
Filed: January 25,2007 : TO WITHDRAW
Attorney Docket No. **3733.PCRA.NP** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 3, 2008.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "assignee has ceased to prosecute", 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 the undersigned at 571-272- 7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **LISA M. WHEAT**
13018 GLACIER POINT CIRCLE
DRAPER, UT 84020

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BLOOMFIELD HILLS, MI 48304-5048

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MAY 23 2008

In re Application of :

WHEAT, et al. :
Application No. 11/626,955 : DECISION ON PETITION
Filed: January 25, 2007 : TO WITHDRAW
Attorney Docket No. **3733.PCRA.NP** : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 31, 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 Daniel J. Henry 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 January 8, 2008 that requires a reply from 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: **LISA MARIE WHEAT**
13018 GLACIER POINT CIRCLE
DRAPER, UTAH 84020

cc: **FRANK W. COMPAGNI**
734 EAST 200 SOUTH
SALT LAKE CITY, UTAH 84102

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FORD GLOBAL TECHNOLOGIES, LLC
FAIRLANE PLAZA SOUTH, SUITE 800
330 TOWN CENTER DRIVE
DEARBORN MI 48126

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AUG 0 8 2008

In re Application of :
Glenn REED et al. :
Application No. 11/626,978 : DECISION ON PETITION
Filed: January 25, 2007 :
Attorney Docket No. 81149965 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 04, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice Drawing Inconsistency with Specification mailed January 08, 2008, which set a period for reply of one (1) month. Accordingly, the application became abandoned on February 09, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form an amendment; (2) the petition fee of $1540.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice Drawing Inconsistency with Specification mailed on January 08, 2008 is accepted as having been unintentionally delayed.

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

The application is being referred to the Office Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

Cc: **KEVIN HEINL**
BROOKS AND KUSHMAN PC
1000 TOWN CENTER 22ND FLOOR
SOUTHFIELD, MI 48075

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Law Office of Philip A. Steiner
1212 Marsh Street
Suite 3
San Luis Obispo, CA 93401

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FEB 0 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Louis B. Rosenberg	:	
Application No. 11/626,992	:	DECISION ON PETITION
Filed: January 25, 2007	:	TO WITHDRAW
Attorney Docket No. 3502.150	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 4, 2007.

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

A review of the file record indicates that the power of attorney to Law Office of Philip A. Steiner has been revoked by the applicant of the patent application on Law Office of Philip A. Steiner. 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: **Sinsheimer Juhnke Lebens & Mcivor, LLP**
1010 Peach Street
P.O. Box 31
San Luis Obispo, CA 93406

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OFFICE OF PETITIONS

In re Application of	:	
Louis B. Rosenberg	:	
Application No. 11/626,992	:	DECISION ON PETITION
Filed: January 25, 2007	:	TO WITHDRAW
Attorney Docket No. 3502.150	:	FROM RECORD
	:	

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 17, 2007.

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

A review of the file record indicates that the power of attorney to Law Office of Philip A. Steiner has been revoked by the applicant of the patent application on Law Office of Philip A. Steiner. 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: **Sinsheimer Juhnke Lebens & Mcivor, LLP**
1010 Peach Street
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San Luis Obispo, CA 93406

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BUCHANAN INGERSOLL & ROONEY, LLP
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404

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MAY 15 2008

OFFICE OF PETITIONS

In re Application of :
JI, et al. :
Application No. 11/627,005 : DECISION ON PETITION
Filed: January 25, 2007 : TO WITHDRAW
Attorney Docket No. **1028750-000276** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 11, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **BUCHANAN INGERSOLL & ROONEY, LLP** has been revoked by the assignee of the patent application on April 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 the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

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

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MORGAN, LEWIS & BOCKIUS, LLP
ONE MARKET SPEAR STREET TOWER
SAN FRANCISCO, CA 94105

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NOV 29 2007

OFFICE OF PETITIONS

In re Application of Kayyem et al. :
Application No. 11/627,011 :
Filing Date: January 25, 2007 :
Attorney Docket No. 67456-5033US06 :

Decision on Petition

This is a decision in response to the petition filed July 27, 2007, requesting the application, including the drawings filed July 27, 2007, be accorded a filing date of January 25, 2007.[1]

The petition is **granted**.

The Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" on June 21, 2007. The Notice stated drawings did not appear to be part of the application as filed and that a filing date would be accorded upon the submission of drawings.

In response, the present petition was filed. A review of the amended specification filed on January 25, 2007, indicates the instant application explicitly incorporated by reference the entire disclosure of the parent application.

The Office allows an applicant to rely upon an incorporation by reference of a parent application when a portion of the child application has been inadvertently omitted.

Based on the incorporation by reference, it appears drawings were present in the Office on January 25, 2007, albeit in the file of another application, i.e., Application No. 09/904,175. Therefore, on petition, the application may be accorded the requested filing date of January 25, 2007.

The copy of the drawings submitted with the petition will be used for examination purposes.

The Office of Patent Application Processing will be informed of the instant decision and will process the application with a filing date of January 25, 2007, using the papers filed on January 25, 2007, and the drawings filed July 27, 2007.

---

[1] The petition is being treated as a petition under 37 CFR 1.182, rather than a stricter standard under 37 CFR 1.57, since the specification includes an explicit incorporation by reference. MPEP 201.06(c)(IV) states, "In an application containing an explicit incorporation by reference statement in the specification or in a transmittal letter (if the transmittal letter was filed prior to September 21, 2004), a petition for the granting of a filing date may be made under 37 CFR 1.182."

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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DINSMORE & SHOHL LLP
ONE DAYTON CENTRE, ONE SOUTH MAIN STREET
SUITE 1300
DAYTON OH 45402-2023

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APR 21 2008

OFFICE OF PETITIONS

In re Application of :
Chandra V. Mouli :
Application No. 11/627,067 : DECISION ON PETITION
Filed: January 25, 2007 :
Attorney Docket No. MIO 0104 V3/40509.411 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 5, 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 February 1, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed November 1, 2007. Accordingly, the date of abandonment of this application is February 2, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1440.00 and the publication fee of $300.00, (2) the petition fee of $1540.00; 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 Christopher Bottorff at (571) 272-6692.

This application is being referred to Publishing Division for processing into a patent.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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SABIC INNOVATIVE PLASTICS - IP Legal
ONE PLASTICS AVENUE
PITTSFIELD, MA 01201-3697

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JUN 22 2010

OFFICE OF PETITIONS

In re Application of :
Parminder Agarwal, et al. :
Application No. 11/627,091 : DECISION ON PETITION
Filed: January 25, 2007 :
Attorney Docket No. 217392-2 (P280002US2) :

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

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed October 13, 2009 , which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 14, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay.

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

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

This application is being referred to Technology Center AU 1796 for appropriate action by the Examiner in the normal course of business on the reply received May 7, 2010.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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CUMMINGS & MEHLER LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO IL 60606

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JUN 14 2007

OFFICE OF PETITIONS

In re Application of :
Scott E. Siegel :
Application No. 11/627,094 : DECISION ON PETITION
Filed: January 25, 2007 :
Attorney Docket No. 0844-0069 :

This is a decision on the request filed April 26, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **DISMISSED**.

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

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

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

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

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

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

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

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

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

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

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

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

As an alternative, petitioner may wish to file a declaration of express abandonment of the instant application pursuant to 37 CFR 1.138(d) to obtain a refund of the search and excess claims fees. A copy of form PTO/SB/24B is provided for petitioner's convenience. Petitioner is advised to file the declaration without delay as the express abandonment can only be processed before an examination has been made of the application. Thereafter, petitioner cannot obtain a refund of such fees except as provided in 37 CFR 1.26.

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

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

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

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

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

enclosure: PTO/SB/24B

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	
Filing Date	
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	

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.

☐ The Director is hereby authorized to credit the fee(s) to Deposit Account No. _____.

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)

☐ attorney or agent of record. Attorney or agent registration number is _____.

☐ 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 _____.

_____ _____
Signature Date

_____ _____
Typed or printed name Telephone Number

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.

☐ Total of _____ 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.

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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/627,094	01/25/2007	Scott E. Siegel	0844-0069

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

DATE MAILED: August 14, 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 July 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

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

TOWNSEND AND TOWNSEND AND CREW, LLP
(CLIENT NO 021629-000000)
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111-3834

COPY MAILED

SEP 2 5 2007

OFFICE OF PETITIONS

In re Application of :
Andreas, et al. :
Application No. 11/627,096 : ON PETITION
Deposited: January 25, 2007 :
Attorney Docket No. 021629-002110US :

This is a decision on the petition under 37 CFR 1.57(a), filed February 28, 2007, requesting that the above-identified application be accorded a filing date of January 25, 2007, adding the drawings from Application No. 10/687,532.

The petition under 37 CFR 1.57(a) is **DISMISSED**.

Any reconsideration petition should be filed within two (2) months of the mail date of this decision on petition.

The application was deposited on January 25, 2007. A Notice of Incomplete Nonprovisional Application was mailed on February 21, 2007 because the application did not contain drawings. It is noted that drawings were referenced in the specification filed on January 25, 2007.

Petitioners filed the present petition in response on February 28, 2007. Petitioners state that drawings were inadvertently omitted from the application deposited on January 25, 2007, but because the application deposited on January 25, 2007 contains a claim for benefit of priority under 37 CFR 1.78 to Application No. 10/687,532, that petitioners are permitted to amend the above-identified application to include the drawings from Application No. 10/687,532 and thereby, obtain a January 25, 2007 filing date for the application.

The applicable rule provides (in pertinent part):

§ 1.57 Incorporation by reference.

(a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

(1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:

(i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;

(ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

(iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

...

(3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

The petition is dismissed because petitioners did **not** file a formal amendment to add the drawings. Both an amendment adding the material and a petition are required under 37 CFR 1.57(a). MPEP 201.17 Incorporation by Reference under 37 CFR 1.57(a).

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

The application will be retained in the Office of Petitions until a reconsideration petition under 37 CFR 1.57(a)(3) and a formal amendment adding the drawings is filed.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

Charles Pearson
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TOWNSEND AND TOWNSEND AND CREW, LLP
(CLIENT NO 021629-000000)
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111-3834

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JAN 0 9 2008

OFFICE OF PETITIONS

In re Application of :
Andreas, et al. :
Application No. 11/627,096 : ON PETITION
Deposited: January 25, 2007 :
Attorney Docket No. 021629-002110US :

This is a decision on the reconsideration petition under 37 CFR 1.57(a), filed October 11, 2007, requesting that the above-identified application be accorded a filing date of January 25, 2007, adding the drawings from Application No. 10/687,532.

The petition under 37 CFR 1.57(a) is **GRANTED**.

The application was deposited on January 25, 2007. A Notice of Incomplete Nonprovisional Application was mailed on February 21, 2007 because the application did not contain drawings. It is noted that drawings were referenced in the specification filed on January 25, 2007.

Petitioners state that drawings were inadvertently omitted from the application deposited on January 25, 2007, but because the application deposited on January 25, 2007 contains a claim for benefit of priority under 37 CFR 1.78 to Application No. 10/687,532, that petitioners are permitted to amend the above-identified application to include the drawings from Application No. 10/687,532 and thereby, obtain a January 25, 2007 filing date for the application.

A petition under 37 CFR 157(a), filed February 28, 2007, was dismissed on September 25, 2007 for failure to file a formal amendment to add the drawings from Application No. 10/687,532.

The applicable rule provides (in pertinent part):

§ 1.57 Incorporation by reference.

(a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but

the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

(1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:

(i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;

(ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

(iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

...

(3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

It is noted that the application as filed included a claim under 1.78 for the benefit of prior-filed application No. 10/687,532. Thus, pursuant to 1.57, the application as filed is considered to have incorporated by reference the prior filed application as to the inadvertently omitted drawings.

The instant reconsideration petition includes an amendment adding the inadvertently omitted drawings and an identification of where the inadvertently omitted drawings may be found in the prior-filed application.

In view of the incorporation by reference of the prior application, the drawings supplied on October 11, 2007, would not constitute new matter if they were a part of the drawings in the prior application. Of course, the examiner is expected to compare the drawings supplied on October 11, 2007, to the drawings in prior application No. 10/687,532 in order to verify that they are an accurate copy of the prior drawings and that they contain no new matter.

In view thereof, the petition is **GRANTED**.

The application is being forwarded to the Office of Patent Application Processing (OPAP) for **according of a filing date of January 25, 2007**, as a continuation application under 37 CFR 1.53(b) of prior application No. 10/687,532, including the copy of the drawings from the prior application supplied on October 11, 2007. Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/627,129	01/25/2007	Motohiko SATO	AK-US065149	1390

7590 01/09/2009

GLOBAL IP COUNSELORS, LLP
1233 20TH STREET, NW, SUITE 700
WASHINGTON, DC 20036-2680

EXAMINER	
LEE, LESLIE A	

ART UNIT	PAPER NUMBER
4184	

MAIL DATE	DELIVERY MODE
01/09/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 01/14/2009 BPOWELL
01/26/2007 INTEFSW 00000348 501836 11627129
02 FC:1111 500.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

COPY MAILED
DEC 31 2008

In re Application of	:	
KANEKO, et al.	:	
Application No. 11/627,133	:	DECISION GRANTING PETITION
Filed: January 25, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **302374US2X**	:	

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

The petition is **GRANTED**.

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

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

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

This application is being referred to Technology Center AU 3747 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.*

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.

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

COPY MAILED

MAY 1 4 2008

OFFICE OF PETITIONS

In re Application of :
Stanislav W. Forgang et al. : DECISION ON PETITION
Application No. 11/627,172 : PURSUANT TO
Filed: January 25, 2007 : 37 C.F.R. § 1.78(A)(3)
Attorney Docket No. 594-39307-USCQ :
Title of Invention: BOREHOLE CONDUCTIVITY SIMULATOR VERIFICATION AND TRANSVERSE COIL BALANCING :

This is a decision on the petition filed on March 25, 2008, pursuant to 37 C.F.R. § 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed non-provisional application set forth in a concurrently filed amendment.

The 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.

As set forth above, 37 C.F.R. § 1.78(a)(3)(iii) requires a statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date the claim was filed was unintentional. Since the statement contained in this petition varies slightly from the language required by 37 C.F.R. § 1.78(a)(3)(iii), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.78(a)(3)(iii), and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

With this petition, Petitioner has included the required reference, an amendment to the specification, and a statement that is being construed as the proper statement of unintentional delay. Regarding the second requirement, the required $1410 surcharge has been charged to Petitioner's Deposit Account, as authorized in the petition. 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.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing.

In due course, the Examiner will consider Applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

The general phone number for OPAP is 571-272-4000. Any inquiries concerning this decision may be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Anthony Knight
Supervisor
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
11/627,172	01/25/2007	2862	1000	594-39307-USCQ	16	2

CONFIRMATION NO. 1450

CORRECTED FILING RECEIPT

44871
MADAN, MOSSMAN & SRIRAM, P.C.
2603 AUGUSTA DRIVE
SUITE 700
HOUSTON, TX 77057-5662

Date Mailed: 05/14/2008

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)

Stanislav W. Forgang, Houston, TX;
Randy Gold, Houston, TX;
Luis M. Pelegri, Humble, TX;
Michael S. Crosskno, Spring, TX;

Assignment For Published Patent Application

Baker Hughes Incorporated, Houston, TX

Power of Attorney: The patent practitioners associated with Customer Number 44871

Domestic Priority data as claimed by applicant

This application is a CIP of 11/371,052 03/08/2006 PAT 7,205,770
and is a CIP of 11/340,785 01/26/2006 PAT 7,319,331
which is a CIP of 10/841,397 05/07/2004 PAT 7,199,586
and said 11/371,052 03/08/2006
is a CIP of 10/841,397 05/07/2004 PAT 7,199,586

Foreign Applications

If Required, Foreign Filing License Granted: 02/15/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/627,172**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

BOREHOLE CONDUCTIVITY SIMULATOR VERIFICATION AND TRANSVERSE COIL BALANCING

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 AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090223

DATE : February 24, 2009

TO SPE OF : ART UNIT 2862

SUBJECT : Request for Certificate of Correction on Patent No.: 7,408,355

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: /Patrick J. Assouad/ Art Unit 2862

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United States Patent and Trademark Office
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www.uspto.gov

FAEGRE & BENSON LLP
PATENT DOCKETING - INTELLECTUAL PROPERTY (32469)
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-3901

Mail Date: 04/20/2010

Applicant	: Peter J. D'Aquanni	: DECISION ON REQUEST FOR
Patent Number	: 7662132	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/627,194	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/25/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **220** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Winston & Strawn, LLP
Patent Department
1700 K Street, NW
Washington, DC 20006

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JAN 0 4 2010

OFFICE OF PETITIONS

In re Application of :
P. Alexander Derchak et al. :
Application No. 11/627,198 : DECISION ON PETITION
Filed: January 25, 2007 : TO WITHDRAW
Attorney Docket No. 85167-4300 : FROM RECORD
:

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 11, 2009.

The request is **NOT APPROVED.**

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

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address does not include a proper power of attorney nor is the address that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Howard Baker – VivoMetrics, Inc.
c/o Ralph C. Francis
Francis Law Group
1942 Embarcadero Street
Oakland, CA 94606

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OFFICE OF PETITIONS

GONZALES PATENT SERVICES
4605 CONGRESS AVE, NW
ALBUQUERQUE, NM 87114

In re Application of :
Andrew Stephen Van Luchene :
Application No. 11/627,263 : DECISION ON PETITION
Filed: January 25, 2007 : TO WITHDRAW
Attorney Docket No. 3306101 : FROM RECORD
:

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 5, 2009.

The request is **APPROVED**.

The request was signed by Ellen Gonzales on behalf of the practitioners of record associated with Customer Number 55297.

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

All future correspondence will be directed to inventor Andrew Stephen Van Luchene at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Andrew Van Luchene
1012 Marquez Pl., #205a
Santa Fe, NM 87505

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/627,263	01/25/2007	Andrew Stephen Van Luchene	3306101

CONFIRMATION NO. 1603

52297
GONZALES PATENT SERVICES
4605 CONGRESS AVE. NW
ALBUQUERQUE, NM 87114

POWER OF ATTORNEY NOTICE

OC000000039061813

Date Mailed: 12/07/2009

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.

/idingle/

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

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/627,263	01/25/2007	Andrew Stephen Van Luchene	3306101

CONFIRMATION NO. 1603

Andrew Van Luchene
1012 Marquez Pl., #205a
Santa Fe, NM 87505

POA ACCEPTANCE LETTER

OC000000039061832

Date Mailed: 12/07/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/05/2009.

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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TILLMAN WRIGHT, PLLC
P.O. BOX 471581
CHARLOTTE NC 28247

APR 05 2007

In re Application of: HESTER
Serial No.: 11/627,294
Filed: January 25, 2007
Title: SECURING ARRANGEMENT OF LOOSE ELEMENTS OF DRAFT SCRAPBOOKING PAGE

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 January 27, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.
5. The petition must be filed with the application.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the petition was not filed with the application. Further, the application contains a preliminary amendment upon filing and therefore is not in condition for examination at filing. As noted in the policy statement referenced above, any petition to make special filed on or after the effective date must meet the new requirements set forth in the 71 Fed. Reg. 36323 notice.

The effective date of the change in practice was August 25, 2006. Thus the instant petition must be reviewed under the revised practice and the instant application is ineligible.

The petition appears on its face to have been filed without recognition of the August 25, 2006 policy change to the petition to make special program. The changes to the program are substantial. A copy of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) is being attached to the mailed decision for petitioner's review. Further guidance may be found at www.USPTO.gov under the accelerated examination link.

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

Any inquiry regarding this decision should be directed to J. Harrison, TC 3700 Special Program Examiner, at (571) 272-4449.

J. Harrison
Special Program Examiner
Technology Center 3700

Discussion

The petition appears on its face to be filed without recognition of the August 25, 2006 policy change to the petition to make special program. A copy of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) is being attached to the mailed decision for petitioner's review. Further guidance may be found at www.USPTO.gov under the accelerated examination link.

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 all of 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 J. Harrison, TC 3700 Special Program Examiner, at (571) 272-4449.

J. Harrison
Special Program Examiner
Technology Center 3700

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AUSTIN RAPP & HARDMAN
170 South Main Street, Suite 735
SALT LAKE CITY, UT 84101

Mail Date: 04/20/2010

Applicant	: Kuan-Sheng Wang	: DECISION ON REQUEST FOR
Patent Number	: 7589982	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/627,368	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/25/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **338** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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IBM CORPORATION, T.J. WATSON RESEARCH CENTER
P.O. BOX 218
YORKTOWN HEIGHTS NY 10598

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OFFICE OF PETITIONS

In re Application of :
Alan E. Rosenbluth :
Application Number: 11/627418 :
Filing Date: 01/26/2007 : ON PETITION :
Attorney Docket Number:
YOR920060307US1 :

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on June 16, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on April 3, 2009, for failure to timely submit the issue and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on January 2, 2009, which set a three (3) month shortened period for reply. Petitioner attempted to submit the issue and publication fees on March 26, 2009, but counsel's deposit account contained

---

[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)).

insufficient funds. Notice of Abandonment was mailed on May 1, 2009.

The statement contained in the instant petition does not set forth that the entire delay from the due date of the required reply to the date of the filing of a grantable petition was unintentional as required by 37 CFR 1.137(b)(3). However, the statement contained in the instant petition is being so construed. Petitioner **must** notify the Office if this is not a correct interpretation.

The address in the petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. A change of correspondence address should be filed if the correspondence address needs to be updated.

Receipt of the issue and publication fees is acknowledged.

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

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc:

HARRINGTON & SMITH, PC
4 RESEARCH DRIVE
SHELTON CT 06484-6212

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

Mail Date: 05/20/2010

Applicant	: Jeong-hoon PARK	: DECISION ON REQUEST FOR
Patent Number	: 7630437	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/627,442	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **18** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

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

Application Information

Application Number	11/627,447	Confirmation Number	1978	Filing Date	2007-01-26
Attorney Docket Number (optional)	4456P3036	Art Unit		Examiner	
First Named Inventor	Juall, Gene				
Title of Invention	LOUDSPEAKER SYSTEM FOR ACOUSTIC INSTRUMENTS AND METHOD THEREFOR				

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
Gene		Juall	

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	/Jeffrey D. Moy/	Date (YYYY-MM-DD)	2010-06-14
Name	Jeffrey D. Moy	Registration Number	39307

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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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
Eugene Stanley Juall

Application No. 11627447

Filed: January 26,2007

Attorney Docket No. 4456P3036

:
:
: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-JUN-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.

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

Mail Date: 04/21/2010

Applicant	: Tatsuya Seshimo	: DECISION ON REQUEST FOR
Patent Number	: 7654657	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/627,468	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **437** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 05/18/2010

Applicant : Tatsuya Seshimo
Patent Number : 7654657
Issue Date : 02/02/2010
Application No: 11/627,468
Filed : 01/26/2007

: 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 **470** 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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NOV 2 4 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
ISHIKURO, SHINICHI, et al.
Application No. 11/627,482
Filed: January 26, 2007
Attorney Docket No. 520.47156X00

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 13, 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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ARLINGTON, VA 22209-3873

Mail Date: 05/11/2010

Applicant	: Shinichi Ishikuro	: DECISION ON REQUEST FOR
Patent Number	: 7616259	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/627,482	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **357** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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501 SOUTH CHERRY STREET
SUITE 800
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MAY 14 2007

In re Application of: CHRISTOPHER et al.
Serial No.: 11/627,512
Filed: January 26, 2007
Title: SYSTEM FOR PROVIDING FLOW-TARGETED VENTILATION SYNCHRONIZED TO A PATIENT'S BREATHING CYCLE

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 January 26, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable 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: 1-5, 5.1, 5.3, 6, 6.1, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II : 5.2, 6.2, 6.3, 6.4 and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

When referring to "the petition" hereinbelow, the received papers under consideration include the four page PTO/SB/28 form, the "pre-examination search document" including pages 1-3; the "accelerated examination support document" comprising pages 1- 6, and an Information Disclosure Statement including form PTO/SB/08A(substitute PTO-1449 A).

Regarding the requirements of section II element 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 128 subclasses 204.18, 204.22, and 204.26. Further, the text search logic used appears not to be directed to the invention as claimed. Keyword searching of patent and patent-related documents should have included terms such as "ventilator", "PEEP", "expiratory and pressure", "(closed loop ventilator) with (positive pressure)", "semi$closed loop ventilator", "transducer", "CPAP", "processor" and various synonyms, as well as have included the actual claim language of the dependent claims. It is not know how at least the claimed "pressure transducer", "flow sensor", "thermistor", "carbon dioxide sensor", "sensor", "transtracheal catheter" or "tracheostomy tube" were specifically searched for. Search logic utilized with keywords must render a reasonable search commensurate in scope with a reasonable interpretation of the claim scope. A grantable petition must include a search that is directed to the claimed invention and encompass all of the features of all of the claims, giving the claims the broadest reasonable interpretation

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 each of the reference(s) and where the limitation is disclosed in each of the cited reference. It is noted that petitioner's IDS submitted with the instant petition lists 27 patents, 6 published patent applications and one foreign patent. Citation of a reference on the IDS accompanying the petition for accelerated examination is a representation that each reference cited is most closely related to the invention. However, in the accelerated examination support document, applicant provides groupings of references under titles such as "open ventilation systems"(6 patents), "closed ventilation systems" (undetermined: states 2 patents *and others*), "tracheal tubes" (4 patents), and "sensors and sampling tubes" (1 patent), and proceeds to point out what these groups of patents generally teach and what they generally lack. No single piece of art is specifically discussed and nowhere is any specific limitation from any claim specifically pointed out in any piece of art. This section of the petition is wholly deficient. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat "the independent claims", nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on www.uspto.gov/web/patents/accelerated/ in "Guidelines for Applicants under the new accelerated examination procedures"):

> *For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should*

specify where in each of the cited references the particular claim limitations are found. 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 part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.

Petitioner's submission must be expanded to include all claims and all claimed limitations in view of all cited references.

Similarly, with respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each of the claims are patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioner provides a general statement that all references fail to teach or suggest "an open system for flow-targeted ventilation for supplying a flow of oxygen-containing gas varying over each inspiratory and expiratory phase of the respiratory cycle in a predetermined non-constant flow waveform synchronized with the respiratory cycle to augment the patients spontaneous respiration, said flow being supplied at a rate sufficient to significantly mitigate the airway pressure the patient must generate during spontaneous breathing and thereby reduce the patient's work of breathing" as required by claim 1 and [similarly] claim 9. It is not know which one of these numerous limitations are not seen in the prior art nor which one petitioner believes specifically makes these claims patentable over the cited prior art. Applicants should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. For these reasons, the petition does not meet the requirement of section II, element 6.3

Regarding the requirements of section II element 6.3 outlined above, the petition fails to identify a concise statement of the utility of the invention as defined in each of the independent claims. A general statement directed to the overall concept of the invention is not specifically relating the utility to each of the independent claims as is required by the policy. Petitioner should reference the independent claims specifically when discussing the utility of the invention.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. Petitioner has generally pointed to what essentially amounts to large portions of the specification for support of three generalized ideas recited in the independent claims. This must be expanded to include a specific showing of support for each limitation of each claim.

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 all of 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 J. Harrison, TC 3700 Special Program Examiner, at (571) 272-4449.

J. Harrison
Special Program Examiner
Technology Center 3700

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AUG 24 2007

In re Application of: CHRISTOPHER et al.	:	
Serial No.: 11/627,512	:	DECISION ON PETITION TO
Filed: January 26, 2007	:	MAKE SPECIAL FOR NEW
Title: SYSTEM FOR PROVIDING FLOW-TARGETED	:	APPLICATION UNDER 37
VENTILATION SYNCHRONIZED TO A PATIENT'S	:	C.F.R. § 1.102 & M.P.E.P. §
BREATHING CYCLE	:	708.02

This is a decision on the renewed petition filed on June 14, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323). The details of the policy were set forth in the prior decision.

REVIEW OF FACTS

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on January 26, 2007. That petition was dismissed in the decision mailed May 14, 2007 wherein a non-extendible period of one month or 30 days, whichever was longer, was set to request reconsideration. The reasons for the dismissal were 1) inadequate search document, 2) inadequate identification of all of the limitations in the application claims that are disclosed in each of the closest prior art references cited, 3) inadequate detailed explanation of how each of the claims are patentable over each of the references, 4) inadequate concise statement of utility of the invention as defined by each of the independent claims, and 5) inadequate showing of 35 USC 112 first paragraph support for each limitation of each claim. Upon reconsideration, at least one of these requirements for a grantable accelerated examination petition remains deficient.

DISCUSSION

When referring to "the petition" hereinbelow, the received papers under consideration include the four page PTO/SB/28 form, the "pre-examination search document" including pages 1-3; the "accelerated examination support document" comprising pages 1- 6, and an Information Disclosure Statement including form PTO/SB/08A(substitute PTO-1449 A) all originally filed and reviewed in combination with the "pre-examination search document" including pages 1-4 and the "accelerated examination support document" comprising pages 1- 33 filed on June 14, 2007.

The renewed petition filed June 14, 2007 is seen to satisfy conditions 1, 4 and 5 stated above. However, conditions 2, and 3 remain deficient. As set forth in the prior decision, conditions 2 and 3, which relates to policy items 6.2 and 6.3 failed to specify where each limitation is found in each cited reference, and to provide a detailed explanation of how each of the claims are patentable over each of the references cited with the particularity required by 37 CFR 1.111(b) and (c). A review of the request for reconsideration and substitute accelerated examination support document filed June 14, 2007 finds that applicant has submitted an information disclosure statement listing only five (5) of the previously submitted 34 pieces of closest prior art, and provided a mapping of each limitation and discussion of patentability for only these five pieces of prior art. There remain 29 cited references on the originally filed IDS that have not been discussed on the record. No explanation is seen as to why, upon filing, all 34 references were considered to be the closest prior art and now only 5 are deemed closest. This fact alone warrants denial of the instant petition.

The following observations are made to aid petitioner should petitioner attempt an accelerated examination petition in any continuation of this application. With respect to the text searching listed in the reconsideration petition, it is noted that a duplication by the undersigned of the listed search resulted in L28 revealing 6,322 documents. It is stated by petitioner that the documents of set L28 were "studied individually", and the search was conducted on June 11, 2007. One reviewer "studying" each document for 1 minutes results in 105.3 hours of document review. Reviewing documents for 24 hours/day, it would take reviewer 4.3 days to review L28. The petition was filed on June 14, 2007. Perhaps there is some typographical error in the listing of the search conducted such that the resultant L28 is not so large. Alternatively, perhaps some guidance as to what is meant by "studied individually" should be offered. Continuing, the substitute AESD appears to have internal inconsistencies between requirements 9(b) (mapping of limitations) and requirement 9(c) (discussion of patentability). For example, under section 9(b) discussion of Schwartz et al '472 patent, the limitation of claim 1 "supplying a flow of oxygen containing gas varying over each inspiratory and expiratory phase of the respiration cycle...synchronized with the respiratory cycle...breathing" it is stated this limitation is "not present" in Schwartz. However, in the discussion of patentability section 9(c), it is admitted that "Schwartz provide a variable flow, but it is not synchronized with the patients respiratory". Therefore, Schwartz does have "supplying a flow of oxygen containing gas varying over each inspiratory and expiratory phase of the respiration cycle" and this element has not been properly mapped in the 9(b) section. Finally, under section 9(c), there does not appear to be any discussion of why the claims would be patentable over the listed prior art under 35 USC 103.

For example the Schwartz references (appears to disclose all but lacks in synchronizing with patient breathing) in view of the Sanso or Kimm et al. references, which petitioner states do provide synchronized ventilation.

DECISION

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

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to J. Harrison, TC 3700 Special Programs Examiner, at (571) 272-4449.

J. Harrison
Special Programs Examiner
Technology Center 3700

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HASSE & NESBITT, LLC
8837 CHAPEL SQUARE DRIVE
SUITE C
CINCINNATI, OH 45249

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JUL 14 2008

OFFICE OF PETITIONS

Applicant: McFarland, et al.
Appl. No.: 11/627,530
Filing Date: January 26, 2007
Title: PORTABLE PRESSURE SWITCH CALIBRATION AND DIAGNOSTIC TOOL
Attorney Docket No.: RMF-001R
Pub. No.: US 2007/0119225 A1
Pub. Date: May 31, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 31, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in the specification paragraph [0035] wherein "T-pieces 290A AND 290B] should be replaced with "T-pieces 280A and 280B".

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 error in naming a T-pieces "290A and 290B" rather than "280A and 280B" in the description of Figures 2 and 3 are not material Office errors under 37 CFR 1.221. The public can appreciate the technical disclosure by the surrounding text and the drawings. The application is clearly understandable to one of ordinary skill in the art reading the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[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 errors in the text noted by requestor in the specification with respect to mathematical equations are not material Office errors under 37 CFR 1.221. The text may have not printed correctly due to the quality of the text. The quality of some of the text is poor, as it is the printer skipped, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52.

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

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

By mail to: Mail Stop 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
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LAW OFFICES OF MARK A. GARZIA, P.C.
2058 CHICHESTER AVE
BOOTHWYN PA 19061

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AUG 2 9 2008

OFFICE OF PETITIONS

In re Application of
Mihai C. Minculesu
Application No. 11/627,546
Filed: January 26, 2007
Title: Two-Cycle Engine and Compressor

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 17, 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 April 14, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed January 14, 2008. Accordingly, the date of abandonment of this application is April 15, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $720.00 and the publication fee of $300.00, (2) the petition fee of $770.00; and (3) a proper statement of unintentional delay.

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

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

Charlema Grant
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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SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
SOUTH WACKER DRIVE STATION, WILLIS TOWER
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: William Waycott	: DECISION ON REQUEST FOR
Patent Number	: 7601895	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/627,568	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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.
11/627,577	01/26/2007	Hironobu Shibata	302631US2	2186

7590 10/17/2008

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

EXAMINER	
TRAN, ANH Q	
ART UNIT	**PAPER NUMBER**
2819	
NOTIFICATION DATE	**DELIVERY MODE**
10/17/2008	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☒ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

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

3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

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Knobbe, Martens, Olson & Bear LLP
2040 Main Street
14th Floor
Irvine, CA 92614

Mail Date: 04/21/2010

Applicant	: Kai-Erik Elers	: DECISION ON REQUEST FOR
Patent Number	: 7595270	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/627,597	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **134** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

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APR 20 2007

OFFICE OF PETITIONS

In re Application of :
JOHN E. NASH :
Application No. 11/627,628 : DECISION ON PETITION
Filed: January 26, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **KNC-0009** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 26, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by John E. Nash, 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 3731 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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Bruce H. Bernstein
Greenblum and Bernstein, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

7/3/08

In re Application of	:	DECISION ON REQUEST TO
Tanaka et al.	:	PARTICIPATE IN PATENT
Application No. 11/627,641	:	PROSECUTION HIGHWAY
Filed: Jan. 26, 2007	:	PROGRAM AND PETITION
Attorney Docket No. P30931	:	TO MAKE SPECIAL UNDER
For: Game Apparatus, Game Method, Program, and Recording Medium	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 30, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to Xuan Thai, SPE of Art Unit 3714.

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

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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MAY 06 2010

OFFICE OF PETITIONS

In re Application of:	:	
Silvera et al.	:	
Application No. 11/627671	:	DECISION GRANTING
Filing or 371(c) Date: 01/26/2007	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
PERFORMANCE OPTIMIZATION	:	

This is in response to a "Petition Under 37 CFR § 1.47(a)," filed August 14, 2007, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **granted**.

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

Petitioner has shown that the non-signing inventor, Timothy Silvera, refuses to join in the application.

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

The application file is being referred to Technology Center Art Unit 3624 for examination in the normal course of business.

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

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

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MR. TIMOTHY SILVERA
37152 WILD HORSE TRAIL
ELIZABETH, CO 80107

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MAY 06 2010

OFFICE OF PETITIONS

In re Application of:
Silvera et al.
Application No. 11/627671
Filing or 371(c) Date: 01/26/2007
Title of Invention:
PERFORMANCE OPTIMIZATION

LETTER

Dear Mr. Silvera:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

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

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

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MCLEAN VA 22102-3833

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JAN 13 2010

OFFICE OF PETITIONS

In re Application of :
Sheri Platt :
Application No. 11/627,682 : DECISION ON PETITION
Filed: January 26, 2007 :
Attorney Docket No. **G5947-11030US01** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 20, 2009, to revive the above-identified application.

The petition is **GRANTED**.

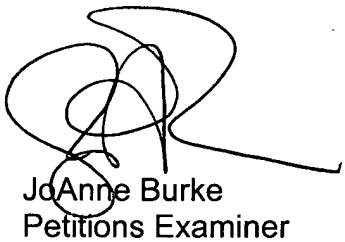
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 11, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 12, 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.

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 JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 3652 for appropriate action by the Examiner in the normal course of business on the reply received.



JoAnne Burke
Petitions Examiner
Office of Petitions

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MAY 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Timothy Silvera, Trevor Norcross, Eric	:	DECISION GRANTING STATUS
Buhring and Keith Pelletier	:	UNDER 37 CFR 1.47(a)
Application No. 11/627,687	:	
Filed: January 26, 2007	:	
Attorney Docket No. 40455.0013USU1	:	
For: PERFORMANCE OPTIMIZATION	:	

This is in response to the petition under 37 CFR 1.47(a), filed August 14, 2007.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Timothy Silvera has refused to join in the filing of the above-identified application.

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

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

This application is being referred to art unit 3624 for processing in the normal course of business.

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

Charlema Grant
Petitions Attorney
Office of Petitions

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MAY 13 2010

OFFICE OF PETITIONS

Timothy Silvera
37152 Wild Horse Trail
Elizabeth, Colorado 80107

In re Application of
Timothy Silvera, Trevor Norcross, Eric Buhring and Keith Pelletier
Application No. 11/627,687
Filed: January 26, 2007
Attorney Docket No. 40455.0013USU1
For: PERFORMANCE OPTIMIZATION

Dear Sir:

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 co-inventor inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant
Petitions Attorney
Office of Petitions

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

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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SCHWEGMAN, LUNDBERG & WOESSNER / ATMEL
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 05/24/2010

Applicant	: Victor Nguyen	: DECISION ON REQUEST FOR
Patent Number	: 7656219	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/627,695	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **196** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

PITTS AND BRITTIAN P C
P O BOX 51295
KNOXVILLE, TN 37950-1295

MAILED

APR 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Boyd et al.	:	
Application No. 11/627,718	:	DECISION ON PETITION
Filed: January 26, 2007	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 24200.02	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed August 13, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application 11/627,718, 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 Alicia Kelley at (571) 272-6059. 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 2612 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.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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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
11/627,718	01/26/2007	2612	425	24200.02	16	3

CONFIRMATION NO. 2465

CORRECTED FILING RECEIPT

22465
PITTS AND BRITTIAN P C
P O BOX 51295
KNOXVILLE, TN 37950-1295

Date Mailed: 04/12/2010

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)

Randal D. BOYD, Knoxville, TN;
Christopher E. Mainini, Knoxville, TN;

Assignment For Published Patent Application

Radio Systems Corporation, Knoxville, TN

Power of Attorney: The patent practitioners associated with Customer Number 22465

Domestic Priority data as claimed by applicant

This application is a CIP of 09/522,087 03/10/2000 PAT 6,937,647
and is a CIP of 11/214,522 08/30/2005 ABN
which is a CON of 09/522,087 03/10/2000 PAT 6,937,647

Foreign Applications

If Required, Foreign Filing License Granted: 02/15/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/627,718**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

Security System Using Piezoelectric Sensors

Preliminary Class

340

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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 DEPARTMENT OF COMMERCE
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Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

Mail Date: 05/21/2010

Applicant	: David E. Johnson JR.	: DECISION ON REQUEST FOR
Patent Number	: 7658335	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/627,739	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **376** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20091209

DATE : December 09, 2009

TO SPE OF : ART UNIT 2839

SUBJECT : Request for Certificate of Correction on Patent No.: 7,445,500

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:

Certificate of Correction refers to claim 15, which is not in the patent.

/T C Patel/
Supervisory Patent Examiner.Art Unit 2839

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TILLMAN WRIGHT, PLLC
P.O. BOX 473909
CHARLOTTE NC 28247

MAILED

MAR 19 2009

OFFICE OF PETITIONS

Applicant: Kovacevich
Appl. No.: 11/627,777
Filing Date: January 26, 2007
Title: SECURING ARRANGEMENT OF LOOSE ELEMENTS OF DRAFT SCRAPBOOKING PAGE
Attorney Docket No.: 1702.012.04
Pub. No.: 2008/0179873 A1
Pub. Date: July 31, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 9, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in the front page of the publication wherein the benefit claim data is missing.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error in the benefit claim on the front page of the publication is not a material mistake as required by 37 CFR 1.221(b). The error in the benefit claim on the front page of the publication is not a material mistake as the benefit claim is in the first line of the specification, as required by 37 CFR 1.78. The error in the benefit claim on the front page of the publication is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The first line of the specification contains the proper benefit claim, thus one can read

[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).

and understand the application and properly use the patent application publication as a prior art reference.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

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

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

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

Inquiries relating to this matter may be directed to 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10-28-09

TO SPE OF : ART UNIT 3753

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/627825 Patent No.: 7600740

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: Column 6, line 19 is claim 15, not claim 16.

Robin O. Evans — SPE
3753 — Art Unit

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 : November 24, 2009

Patent No. :7600740
Inventor :John B. Williams, Jr.
Patent Issued :October 13, 2009
Title :THERMALLY COMPENSATED MOUNTING FLANGE AND METHODS OF USE

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.

Inspection of the application for the patent reveals that in connection with the alleged error pertaining to Column 6, line 19, of claim 16; applicants requested change with respect is not warranted as filed in that the error could not be found in the location as presented by applicant. However, it was observed that the change requested may have been

In view of the foregoing applicants request in this matter is hereby denied.

To further consider your request regarding this matter a new request filed under 37 CFR 1.323 which includes the required Certificate of Corrrection fee of $100.00 should be submitted.

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

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

Daniel N. Lundeen
Lundeen & Lundeen, PLLC
2710 Louisiana Street

/arg

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 : November 24, 2009

Patent No. :7600740
Inventor :John B. Williams, Jr.
Patent Issued :October 13, 2009
Title :THERMALLY COMPENSATED MOUNTING FLANGE AND METHODS OF USE

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.

Inspection of the application for the patent reveals that in connection with the alleged error pertaining to Column 6, line 19, of claim 16; applicants requested change with respect to the noted change is not warranted as filed in that the error could not be found in the location as presented by applicant. However, it was observed that the change requested may have been incorrectly presented via incorrect location.

In view of the foregoing applicants request in this matter is hereby denied.

To further consider your request regarding this matter a new request filed under 37 CFR 1.323 which includes the required Certificate of Corrrection fee of $100.00 should be submitted.

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

A. Green

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

Daniel N. Lundeen
Lundeen & Lundeen, PLLC
2710 Louisiana Street
Houston, TX 77006

/arg

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LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE WA 99201

COPY MAILED

JUN 05 2007

OFFICE OF PETITIONS

In re Application of :
Venkatesan, et al. : DECISION ACCORDING STATUS
Application No. 11/627,833 : UNDER 37 CFR 1.47(a)
Filed: January 26, 2007 :
Attorney Docket No. MS1-2811USC1 :

This is in response to the petition under 37 CFR 1.47(a), filed May 16, 2007.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioner has shown that inventor Viktor Boyko could not be found. Specifically, petitioner has included copies of an internet printout to support his contention.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VIKTOR BOYKO
C/O MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND WA 98052

COPY MAILED

JUN 0 5 2007

OFFICE OF PETITIONS

In re Application of
Ramarathman Venkatesan, Viktor Boyko
Application No. 11/627,833
Filed: November 26, 2007
Title: Software Protection Using Oblivious Data Structures

LETTER

Dear Mr. Boyko:

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

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paul, Hastings, Janofsky & Walker, LLP
875 15th Street, NW
Washington, DC 20005

COPY MAILED

MAR 03 2008

In re Application of	:	
Don Rufus Hankey et al.	:	
Application No. 11/627,846	:	DECISION ON PETITION
Filed: January 26, 2007	:	TO WITHDRAW
Attorney Docket No. 72118.00200.UTL	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed February 15, 2008.

The request is **APPROVED**.

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

The request was signed by Martin R. Bader on behalf of all attorneys/agents associated with customer number 36183. All attorneys/agents associated with customer number 36183 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 applicant, since no assignee has properly intervened in this application. *Note 37 CFR 3.73(b)*. A courtesy copy of this decision will be mailed to the address noted on the request to withdraw.

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

There are no outstanding Office actions 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: Don Rufus Hankey
619 S. June Street
Los Angeles, CA 90005

cc: Barger & Wolen, LLP
Attn: Richard B. Hopkins, II
633 West 5th Street
Forty-Seventh Floor
Los Angeles, CA 90071-2043

UNITED STATES PATENT AND TRADEMARK OFFICE

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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
11/627,846	01/26/2007	Don Rufus Hankey	72118.00200.UTL

CONFIRMATION NO. 2698

POWER OF ATTORNEY NOTICE

36183
PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15th Street, NW
Washington, DC 20005

OC000000028590213

Date Mailed: 03/03/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/15/2008.

- 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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BARNES & THORNBURG LLP
P.O. BOX 2786
CHICAGO, IL 60690-2786

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MAR 1 4 2008

OFFICE OF PETITIONS

In re Application of :
Randy D. Pope :
Application No. 11/627,851 : ON PETITION
Filed: January 26, 2007 :
Attorney Docket No. 27726-104642 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 22, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Requirements (Notice) mailed February 16, 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 April 17, 2006.

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 $2230 extension of time submitted with the petition on October 22, 2007 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 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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FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO CA 94108

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FEB 2 8 2008

OFFICE OF PETITIONS

In re Application of :
GURUSHINA et al. : DECISION ON PETITION
Application No. 11/627,905 :
Filed: 01/26/2007 :
Attorney Docket No. SHNEY-01002US1 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 17, 2008, to revive the above-identified application.

The above-identified application became abandoned for failure to file a timely response to the nonfinal Office Action, mailed April 12, 2007, which set a three-month shortened statutory period for reply. The above-identified application became abandoned on July 13, 2007. On October 26, 2007, the Office mailed a Notice of Abandonment.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of an amendment, paid the petition fee, and made the proper statement of unintentional delay. Accordingly, the petition is **granted.**

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $525.00 extension of time fee submitted with the petition on January 17, 2008, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

This matter is being referred to Technology Center Art Unit 3765 for review of the amendment filed with the present petition.

Telephone inquiries specific to this decision may 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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975 PAGE MILL ROAD
PALO ALTO CA 94304

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AUG 1 0 2009

OFFICE OF PETITIONS

In re Application of :
Michael Arend et al. :
Application No. 11/627,906 : DECISION ON PETITION
Filed: January 26, 2007 : TO WITHDRAW
Attorney Docket No. **310477-1351** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 14, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because the address for neither the first named inventor nor the assignee of record was not provided in the request. The Office will only accept changes to the most current address information provided for the assignee of the entire interest that properly became of record under 37 CFR 3.71 or, the most current address of the first named inventor.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/627,961	01/27/2007	Philip D. Freedman	pdfx0025	2964

7590 12/18/2009

Philip D. Freedman PC
1449 Drake Lane
Lancaster, PA 17601

EXAMINER	
KUO, WENSING W	

ART UNIT	PAPER NUMBER
2826	

MAIL DATE	DELIVERY MODE
12/18/2009	PAPER

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

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

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Philip D. Freedman PC
1449 Drake Lane
Lancaster, PA 17601

In re Application of:
Freedman, Philip
Application No. 11/627,961
Filed: January 27, 2007
For: ELECTRONIC MODULE WITH THERMAL DISSIPATING SURFACE

DECISION ON PETITION UNDER 37 CFR § 1.181 TO WITHDRAW FINALITY OF REJECTION

This is a decision on the petition filed on 09 September 2009. It is noted applicant request consideration under MPEP 706.07(c) and MPEP 706.07 (d), however, proper procedure is to file a Petition under 37 C.F.R. § 1.181 (see MPEP 1002). The instant Petition requests to Withdraw Finality included in the Office Action dated 28 July 2009.

The petition is **DENIED**.

Any question as to prematureness of a final rejection should be raised, if at all, while the application is still pending before the primary examiner. This is purely a question of practice, wholly distinct from the tenability of the rejection.

The United States Patent and Trademark Office (Office) in administering the Patent Laws makes many decisions of a substantive nature which the applicant may feel deny him or her the patent protection to which he or she is entitled. The differences of opinion on such matters can be justly resolved only by prescribing and following judicial procedures. Where the differences of opinion concern the denial of patent claims because of prior art or other patentability issues, the questions thereby raised are said to relate to the merits, and appeal procedure within the Office and to the courts has long been provided by statute (35 U.S.C. 134).

The line of demarcation between appealable matters for the Board of Patent Appeals and Interferences (Board) and petitionable matters for the Director of the U.S. Patent and Trademark Office (Director) should be carefully observed. The Board will not ordinarily hear a question that should be decided by the Director on petition, and the Director will not ordinarily entertain a petition where the question presented is a matter appealable to the Board.

Upon careful review of Applicant's Petition, it has been determined that applicant is presenting matters which should be determined by the Board of Appeals and not by the Director. The arguments presented relate to the merits of the case which the Examiner presents in their final rejection.

In particular, Applicant argues in paragraph 6 that the examiner has not properly responded to Applicant's arguments.

The Final Rejection presents the examiner's position both in the written rejection and in the response to arguments section. There is no requirement that the examiner address each argument in the response to argument's section if the argument is sufficiently addressed by examiner's written rejection. Upon review of the action, it is clear the examiner has stated their position and the Final Rejection addresses all outstanding issues in the case whether it be in the written rejection or response to arguments section.

Furthermore, it should be noted that MPEP 2271, is dealing with *Ex Parte* Examination proceedings thus not relevant to the instant application.

For the above reasons, the finality of the Office Action dated 28 July 2009 is found to be proper. Applicant is reminded that the shortened statutory period continues to run from 28 July 2009.

Gladys Corcoran, Acting Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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SCHWEGMAN, LUNDBERG & WOESSNER/ISIS
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MINNEAPOLIS MN 55402

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FEB 21 2008

OFFICE OF PETITIONS

In re Application of :
Punit P. Seth et al. :
Application No. 11/627,964 : DECISION ON PETITION
Filed: January 27, 2007 :
Attorney Docket No. CHEM0027US :

This is a decision on the petition under 37 CFR 1.182, filed September 5, 2007, to change the order of the names of the inventors. Inventor's name Punit P. Seth is to appear above Eric E. Swayze.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

This application is being referred to Technology Center AU 1623 for examination in due course.

Telephone inquiries regarding this decision should be directed to Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/627,964	01/27/2007	1623	1240	CHEM0027US	50	2

CONFIRMATION NO. 2971

65577
SCHWEGMAN, LUNDBERG & WOESSNER/ISIS
P.O. BOX 2938
MINNEAPOLIS, MN 55402

CORRECTED FILING RECEIPT

Date Mailed: 02/11/2008

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)

Punit P. Seth, San Marcos, CA;
Eric E. Swayze, Carlsbad, CA;

Power of Attorney: The patent practitioners associated with Customer Number 72984

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/762,722 01/27/2006
and claims benefit of 60/805,660 06/23/2006

Foreign Applications

If Required, Foreign Filing License Granted: 03/13/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/627,964**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

6-MODIFIED BICYCLIC NUCLEIC ACID ANALOGS

Preliminary Class

536

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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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

Mail Date: 04/20/2010

Applicant	: Pierre Couture	: DECISION ON REQUEST FOR
Patent Number	: 7639460	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/628,028	: 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 **405** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Bruce L. Adams,
Adams & WiIlks
17Battery Place 1
Suite 1231
New York, NY 10004

Mail Date: 04/21/2010

Applicant	: Saburo Manaka	: DECISION ON REQUEST FOR
Patent Number	: 7606116	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/628,047	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/25/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/628,054	11/30/2006	Ikuo Morita	Q98726	3994

23373 7590 12/21/2009

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
FORD, ALLISON M	

ART UNIT	PAPER NUMBER
1651	

NOTIFICATION DATE	DELIVERY MODE
12/21/2009	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):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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Commissioner for Patents
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In re Application of: Ikuo MORITA, et al	:	
Serial Number: 11/628,054	:	
Filed: November 30, 2006	:	
Attorney Docket: Q98726	:	DECISION ON PETITION
For: Artificial Tissue Construct and Method For Producing the Same	:	

This is in response to applicant's petition to accept color drawings/photographs filed on Nov. 30, 2006.

All requirements under 37 CFR 1.84(a)(2) are met. Accordingly, petition is Granted.

Petition GRANTED.

/Cecilia J.Tsang/
Supervisory Patent Examiner, Art nit 1654

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Docket No: Q98726
Ikuo MORITA, et al.	Group Art Unit: unassigned
Appln. No.: based on PCT/JP2005/010307	Confirmation No.: unassigned
Filed: November 30, 2006	Examiner: unassigned

For: ARTIFICIAL TISSUE CONSTRUCT AND METHOD FOR PRODUCING THE SAME

PETITION FOR ACCEPTANCE OF COLOR PHOTOGRAPHS UNDER 37 C.F.R. § 1.84

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

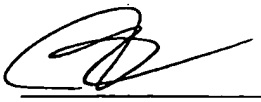
Sir:

Applicant hereby petitions for acceptance of the attached color photographs under the provisions of 37 C.F.R. §1.84. In compliance with the provisions of 37 C.F.R. §1.84, submitted herewith are three copies of color photographs, Figures 9-11.

A check for the requisite fee under 37 C.F.R. § 1.17(h) of $130.00 is also attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this transmittal letter is attached.

Approved 7/12/09.

Respectfully submitted,



Drew Hissong
Registration No. 44,765

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: November 30, 2006

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Mail Date: 04/20/2010

Applicant	: Diego Lopez Casanello	: DECISION ON REQUEST FOR
Patent Number	: 7576113	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/628,057	: 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

12 AUG 2008

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BRUCE L. ADAMS
ADAMS & WILKS
17 BATTERY PLACE
SUITE 1231
NEW YORK, NY 10004

In re Application of KATO et al :
U.S. Application No.: 11/628,088 :
PCT Application No.: PCT/JP2005/007991 : DECISION
Int. Filing Date: 27 April 2005 :
Priority Date Claimed: 03 June 2004 :
Attorney Docket No.: S004-5901(PCT) :
For: PORTABLE ELECTRONIC DEVICE :

This is in response to the submission filed 21 July 2008, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 27 April 2005, applicant filed international application PCT/JP2005/007991, which claimed priority of an earlier Japan application filed 03 June 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 15 December 2005. The thirty-month period for paying the basic national fee in the United States expired on 03 December 2006.

On 30 December 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 25 January 2007, applicant purportedly filed an executed declaration.

On 27 November 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 21 July 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The evidence of record is sufficient to establish that the declaration was originally filed on 25 January2007. Specifically, the copy of the return postcard, which includes the declaration in its itemized contents and which bears a USPTO date stamp of 25 January2007, serves as prima facie evidence that the declaration was received by the USPTO on 25 January2007.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 27 November 2007 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 27 April 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 25 January 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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MAIL

OCT 17 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
IKEDA, WATARU	:	DECISION ON REQUEST TO
Application No. 11/628,098	:	PARTICIPATE IN PATENT
Filed: November 28, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 50478-5500	:	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 15, 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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09 OCT 2009

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Jones Day
222 East 41st St
New York, NY 10017

In re Application of	:	
CASHMAN et al.	:	
Application No.: 11/628,132	:	
PCT No.: PCT/US2005/019000	:	DECISION ON PETITION
Int. Filing: 31 May 2005	:	UNDER
Priority Date: 28 May 2004	:	37 CFR 1.47(a)
Attorney Docket No.: 11832-003-999	:	
For: SYNTHESIS OF METABOLICALLY STABLE ANALGESICS, PAIN MEDICATIONS AND OTHER AGENTS	:	

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 04 September 2009. The petition fee has been submitted.

BACKGROUND

On 31 May 2005, applicants filed the above identified international application which claimed a priority date of 28 May 2004. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 28 November 2006.

On 28 November 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an unexecuted declaration.

On 05 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirement (Form PCT/DO/EO/905) indicating that an executed declaration in compliance with 37 CFR 1.497 was required.

On 04 September 2009, applicants submitted "Petition under 37 CFR 1.47(a)." The petition under 37 CFR 1.47(a) seeks acceptance of the application without the signature of inventor James Macdougall, whom applicants assert cannot be found or reached after diligent effort.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

As to item (2), petitioner states that James Macdougall cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

A review of the present petition reveals that petitioner has not provided an acceptable showing that a diligent effort was made to locate the nonsigning inventor, James Macdougall. The declaration of John Cashman alleges that inventor James Macdougall cannot be found or located, however, no documentary evidence to support the attempt(s) was provided with John Cashman's declaration. As stated above, copies of documentary evidence such as internet searches, certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts.

Before item (2) can be considered satisfied, applicants must provide the required firsthand evidence (with documentary support) demonstrating that a diligent effort has been made to locate the nonsigning inventor. A diligent effort to locate the inventor should include an internet search, and the results of such a search should be included in any subsequent submission herein. Accordingly, item (2) has not been satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor (James Macdougall). Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by one of the two inventors and including an unsigned signature box identifying the nonsigning inventor (James Macdougall). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it would not be appropriate to accept the application without the signature of James Macdougall under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, an appropriate response to this decision must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

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28 JAN 2010

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TechLaw LLP
10755 Scripps Poway Parkway
Suite 465
San Diego, CA 92131

In re Application of :
CASHMAN et al. :
Application No.: 11/628,132 :
PCT No.: PCT/US2005/019000 : DECISION ON PETITION
Int. Filing: 31 May 2005 : UNDER
Priority Date: 28 May 2004 : 37 CFR 1.47(a)
Attorney Docket No.: 11832-003-999 :
For: SYNTHESIS OF METABOLICALLY STABLE ANALGESICS, PAIN MEDICATIONS AND OTHER AGENTS :

This decision is issued in response to applicants' Renewed "Petition under 37 CFR 1.47(a)" filed 05 January 2010.

BACKGROUND

On 31 May 2005, applicants filed the above identified international application which claimed a priority date of 28 May 2004. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 28 November 2006.

On 28 November 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an unexecuted declaration.

On 05 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirement (Form PCT/DO/EO/905) indicating that an executed declaration in compliance with 37 CFR 1.497 was required.

On 04 September 2009, applicants submitted "Petition under 37 CFR 1.47(a)." In a decision dated 09 October 2009, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 05 January 2010, applicants filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1), (3), and (4) were previously satisfied.

Regarding item (2) above, petitioner states that James Macdougall has refused to sign the application. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

A review of the present petition reveals that applicant has not satisfied the item (2) above, in that., applicants have not shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to James Macdougall. Petitioner has provided copies of mailings (emails and Certified Mail) to James Macdougall. However, petitioner fails to provide evidence that a complete copy of the application was mailed to the non-signing inventor. The mailing of a Declaration/

Power of Attorney and Assignment are not considered a complete copy of the application papers. Further, the statement regarding the mailing of the electronic mail communication constitutes secondhand knowledge, in that, the mailings to which the petitioner is averring to were conducted by Rebekah Handley.

As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, drawings, and oath/declaration) were sent to James Macdougall, and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

For the reasons stated above, it would not be appropriate to accept the application without the signature of James Macdougall under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, an appropriate response to this decision must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
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05 APR 2010

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San Diego, CA 92131

In re Application of :
CASHMAN et al. :
Application No.: 11/628,132 :
PCT No.: PCT/US2005/019000 : DECISION ON PETITION
Int. Filing: 31 May 2005 : UNDER
Priority Date: 28 May 2004 : 37 CFR 1.47(a)
Attorney Docket No.: 11832-003-999 :
For: SYNTHESIS OF METABOLICALLY STABLE ANALGESICS, PAIN MEDICATIONS AND OTHER AGENTS :

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 29 March 2010. In a decision dated 28 January 2010, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, James MacDougall, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 29 March 2010 with the present petition was executed by the named inventor, the previous non-signing inventor, James MacDougall. The declaration filed 29 March 2010 is acceptable under 37 CFR 1.497.

For the reasons above, the petition under 37 CFR 1.47(a) is **DISMISSED** as MOOT.

The application has an international filing date of 31 May 2005 under 35 U.S.C. 363 and a date of 29 March 2010 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

Anthony Smith
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Tilo Hentschel	: DECISION ON REQUEST FOR
Patent Number	: 7588006	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/628,170	: 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 **318** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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EXXONMOBIL CHEMICAL COMPANY
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BAYTOWN, TX 77522-2149

Mail Date: 05/10/2010

Applicant	: Peijun Jiang	: DECISION ON REQUEST FOR
Patent Number	: 7662892	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/628,183	: 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 **580** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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DAVIDSON, DAVIDSON & KAPPEL, LLC
485 7TH AVENUE
14TH FLOOR
NEW YORK NY 10018

COPY MAILED

JAN 16 2009

Applicant: Delafay et al.
Appl. No.: 11/628,222
International Filing Date: June 1, 2004
Title: METHOD FOR OPERATING A NUCLEAR REACTOR AND USE OF A SPECIFIC FUEL ROD CLADDING ALLOY IN ORDER TO REDUCE DAMAGE CAUSED BY PELLET/CLADDING INTERACTION
Attorney Docket No.: 12928/10036
Pub. No.: 2008/0031399 A1
Pub. Date: February 7, 2008

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on April 4, 2008, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors, wherein two errors appear in claim 38, and an equation contains an error in paragraph [0162] of the specification.

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 error in the equation noted by requestor in the specification is due to the quality of the text and not a material Office error under 37 CFR 1.221. The text was not printed correctly due to the quality of the text. The error noted by requestor in the equations, letters and subscripts, in this published application is due to the quality of the text, as the subscripts are very small. Some of the text (the subscripts) is not clear due to the size. The quality of some of the text is poor, as it is small, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52.

Applicant is advised that he may want to file application papers that are clearer, as the errors are due to the quality of the text. The text with respect to the superscripts and subscripts are very small, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

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

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

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 05/06/2010

Applicant	: Grahame Knowles	: DECISION ON REQUEST FOR
Patent Number	: 7654907	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/628,229	: 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 **494** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Yasuhiro Kaya	: DECISION ON REQUEST FOR
Patent Number	: 7658248	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/628,238	: 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 **503** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/628,246	09/07/2007	Thomas Lisec	31583-238699	5382

26694 7590 07/19/2010

VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER	
SAN MARTIN, JAYDI A	
ART UNIT	**PAPER NUMBER**
2837	
MAIL DATE	**DELIVERY MODE**
07/19/2010	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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Robert Kinberg,
VENABLE LLP
P.O. Box 34385
Washington, DC 20043-9998

In re Application of:
Thomas Lisec et al.
Serial No.: 11/628,246
Filed: September 7, 2007
Docket No.: 31583-238699

DECISION ON PETITION TO WITHDRAW RESTRICTION REQUIREMENT

This is a decision on petition filed April 7, 2010 to withdraw restriction requirement made in Office Action mailed on September 2, 2009.

The petition is **GRANTED**

A restriction requirement was mailed on September 2, 2009 requiring election of one of two patentably distinct inventions; Group 1: Claims 1-5 and Group II: Claims 6-10 related as process of making and product made, respectively. In response, applicant elected Group II with traverse and argued that the Examiner applied restriction standard for a direct U.S. Application filing rather than a PCT National Stage application restriction standard and there is a special technical relationship of the dielectric layer being "a piezoelectric AIN layer having a columnar, polycrystalline structure and a texture." The arguments were not found persuasive by the Examiner, the restriction requirement was made final and an Office Action was issued December 7, 2009.

The Applicant filed a petition to request review of the restriction requirement. This application is a national stage application of PCT/DE05/00966 filed under 35 USC 371. Accordingly, restriction may be required upon showing lack of unity of invention. The restriction requirement of September 2, 2009 did not follow the unity of invention standards set fort under 37 CFR 1.499 and MPEP 1893.03 (d).

A review of claims 1-5 and 6-10 reveal that each group of claims contains the special technical feature of "a piezoelectric AIN layer having a columnar, polycrystalline structure and a texture." Accordingly, unity of invention exists because the two groups of claims share the same special technical feature.

Serial No.:

For the above stated reason, the restriction requirement is improper and is hereby withdrawn.

The application is being returned to the Examiner for further action consistent with this decision, including treating all pending claims on the merits.

Telephone inquires should be directed to Walter Benson at (571) 272-2227.

John Cabeca, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT and TRADEMARK OFFICE

13 NOV 2009

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www.uspto.gov

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

In re Application of	:	
LY et al.	:	DECISION ON
Application No.: 11/628,271	:	
PCT No.: PCT/CH2005/000315	:	
Int. Filing Date: 06 June 2005	:	
Priority Date: 04 June 2004	:	PETITION UNDER
Attorney Docket No.: LYI	:	
For: PROCESS AND APPARATUS...	:	
OR AMMONIA...	:	37 CFR 1.181

This decision is in response to the "PETITION TO VACATE NOTICE OF INCOMPLETE REPLY" filed 25 February 2009, which is being treated as a petition under 37 CFR 1.181, stating that applicants had authorized the USPTO to charge additional fees to the Deposit Account No. 02-4035 on April 7, 2008.

BACKGROUND

On 04 December 2006, applicants filed entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), a copy of the English translation of the international application, and an executed declaration.

On 05 February 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Insufficient Fees (DO/EO/US)"(PCT/DO/EO/923)" indicating that additional fees were due for a total of $1720.

On 07 April 2008, applicants filed a "Reply to Notice of Insufficient Fees," paying a total national fee of $1,260.00 by credit card. Applicant indicated that there were four (4) independent claims (actually there were five (5) independent claims) and submitted a payment of $210 for one independent claim in excess of three (3). Applicant also gave authorizations to charge additional fees to Deposit Account No. 02-4035.

On 26 January 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) indicating that an additional claim fees of $220 as a non-small entity,.... The Notice indicated that a response within a time limit of One Month from the mail date of this Notice or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer.

On 25 February 2009, applicants filed this petition to vacate the notice of incomplete reply because the filing on 07 April 2008 had an authorization to the USPTO to charge additional fees to Deposit Account No. 02-4035.

DISCUSSION

A review of the file reveals that applicants had an authorization to the USPTO to charge additional fees to Deposit Account No. 02-4035 on 07 April 2008. As such, the additional fee of $200 for the fifth independent claim should have been charged to applicants' deposit account on such date. Therefore, it was not necessary to have mailed the Notice of Defective Response on 26 January 2009

As a result, the NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) mailed on 26 May 2009 is **VACATED** with the mailing of this decision.

DECISION

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

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

The NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) mailed on 26 May 2009 is **VACATED** with the mailing of this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

10 DEC 2007

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Lawrence R. Gabuzda
Brain M. Rothery
Jones Day
222 East 41st Street
New York, NY 10017

In re Application of	:	
Schwer et al.	:	
Application No.: 11/628,286	:	DECISION
PCT No.: PCT/IB2004/001784	:	
Int. Filing Date: 01 June 2004	:	ON
Priority Date: N/A	:	
Attorney Docket No.: 8932-1346-999	:	PETITION
For: Osteosynthesis Plate	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 22 August 2007.

BACKGROUND

This international application was filed on 01 June 2004, claimed no earlier priority date, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 15 December 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 01 December 2006. Applicants filed *inter alia* the basic national fee on 30 November 2006.

On 22 June 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Petitioner alleges that joint inventors Mariethoz and Martinelli have refused to execute the application. A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, petitioner has paid $130.00 toward the $200.00 petition fee. The remaining $70.00 is being charged to Deposit Account 50-3013, as authorized by the petition.

Regarding **requirement (2)**, counsel's attention is respectfully drawn to MPEP 409.03(d), which states in part:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands

exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal. When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition

With regard to Eric Mariethoz, petitioner indicates that a declaration and copy of the application papers were sent to his last known address on 09 August 2007, but that no response has been received. However, the instant petition was filed on 22 August 2007, merely 13 days later. It is not clear that Mr. Mariethoz' failure to return the executed declaration after so brief a time should be construed as a "refusal" within the meaning of 37 CFR 1.47(a). It is also noted that it is unclear which of petitioner's statements are made on the basis of first-hand knowledge, as opposed to hearsay. Any statements petitioner seeks to rely upon should be made by an individual having first-hand knowledge of the facts alleged. It is further noted that petitioner states that "I did not receive anything back or hear back from Binder..." The identity of said "Binder," and his/her connection to the facts of this case, has not been made clear.

Concerning Orlando Martinelli, petitioner indicates that a declaration and copy of the application papers were sent to his last known address on 10 August 2007, but that no response has been received. Instead, petitioner states that the Federal Express parcel was returned with a notation that Mr. Martinelli had moved. This evidence does not establish "refusal" on the part of Mr. Martinelli. In the event that petitioner may wish to show that Mr. Martinelli could not be found or reached after diligent effort, it would be appropriate to provide a showing of the diligent

efforts undertaken to ascertain his whereabouts and reach him there to attempt to obtain his execution of the application papers.

Regarding **requirement (3)**, the petition includes a statement of the last known addresses of each of the non-signing inventors.

Regarding **requirement (4)**, the declaration of inventorship filed on 22 August 2007 is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b). Requirement (4) thereby has been satisfied.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

0 4 AUG 2008

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Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038

In re Application of	:	
Schwer et al.	:	
Application No.: 11/628,286	:	DECISION
PCT No.: PCT/IB2004/001784	:	
Int. Filing Date: 01 June 2004	:	ON
Priority Date: N/A	:	
Attorney Docket No.: 8932-1346-999	:	PETITION
For: Osteosynthesis Plate	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 10 June 2008.

DISCUSSION

In a Decision mailed on 10 December 2007, the petition under 37 CFR 1.47(a) filed on 22 August 2007 was dismissed, without prejudice, because

> With regard to Eric Mariethoz, petitioner indicates that a declaration and copy of the application papers were sent to his last known address on 09 August 2007, but that no response has been received. However, the instant petition was filed on 22 August 2007, merely 13 days later. It is not clear that Mr. Mariethoz' failure to return the executed declaration after so brief a time should be construed as a "refusal" within the meaning of 37 CFR 1.47(a). It is also noted that it is unclear which of petitioner's statements are made on the basis of first-hand knowledge, as opposed to hearsay. Any statements petitioner seeks to rely upon should be made by an individual having first-hand knowledge of the facts alleged. It is further noted that petitioner states that "I did not receive anything back or hear back from Binder..." The identity of said "Binder," and his/her connection to the facts of this case, has not been made clear.
>
> Concerning Orlando Martinelli, petitioner indicates that a declaration and copy of the application papers were sent to his last known address on 10 August 2007, but that no response has been received. Instead, petitioner states that the Federal Express parcel was returned with a notation that Mr. Martinelli had moved. This evidence does not establish "refusal" on the part of Mr. Martinelli. In the event that petitioner may wish to show that Mr. Martinelli could not be found or reached after diligent effort, it would be appropriate to provide a showing of the diligent efforts undertaken to ascertain his whereabouts and reach him there to attempt to obtain his execution of the application papers.

In response, with respect to Mr. Mariethoz, petitioner presents a "First Declaration of Ms. Esther Jakob" Ms. Jakob, in paragraph 5, states that Mr. Andermatt provided a new address for Mr. Mariethoz, but she does not explicitly state whether this is the same address as the last-known address cited in the previous petition. If not, petitioner is required to update the last-known address. In addition, she does not specify whether he moved before or after the 09 August 2007 mailing. Thus, it is not clear whether he was in possession of a copy of the application papers and an oath or declaration prior to the alleged refusal made on 05 February 2008. Moreover, petitioner has not included copies of the materials alluded to by Ms. Jakob, including the emails she sent to him, the email allegedly stating his refusal, and any postal evidence related to the registered mailing. As such, it would not be appropriate to conclude on the basis of the present record to conclude that requirement (2) has been satisfied with respect to Mr. Mariethoz.

Regarding Mr. Martinelli, petitioner presents a "Second Declaration of Ms. Esther Jakob" in which she indicates that she has identified new home and business addresses for Mr. Martinelli. In paragraphs 5 and 6, she indicates that she mailed a copy of the application and a declaration to the home address on 04 April 2008, and "received confirmation from the Postal Service" that it had been delivered, but petitioner has not provided a copy thereof. The same is true of the 09 May 2008 correspondence. Ms. Jakob further indicates that she "spoke to Ms. Martinelli who indicated to me that Mr. Martinelli refused to sign any of the patent-related documents without payment." However, Ms. Martinelli's alleged statement does not adequately establish whether Mr. Martinelli himself refused to execute the application after having been presented with an oath or declaration and a complete copy of the application papers. Thus, it would not be appropriate to conclude on the basis of the present record to conclude that requirement (2) has been satisfied with respect to Mr. Martinelli.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

/George Dombroske/
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29 MAY 2009

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Brain M. Rothery
Jones day
222 East 41st Street
New York NY 10017

In re Application of	:	
Schwer et al.	:	
Application No.: 11/628,286	:	DECISION
PCT No.: PCT/IB2004/001784	:	
Int. Filing Date: 01 June 2004	:	ON
Priority Date: N/A	:	
Attorney Docket No.: 8932-1346-999	:	PETITION
For: Osteosynthesis Plate	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 03 February 2009.

DISCUSSION

In a Decision mailed on 04 August 2008, the renewed petition under 37 CFR 1.47(a) filed on 10 June 2008 was dismissed, without prejudice, because

> In response, with respect to Mr. Mariethoz, petitioner presents a "First Declaration of Ms. Esther Jakob" Ms. Jakob, in paragraph 5, states that Mr. Andermatt provided a new address for Mr. Mariethoz, but she does not explicitly state whether this is the same address as the last-known address cited in the previous petition. If not, petitioner is required to update the last-known address. In addition, she does not specify whether he moved before or after the 09 August 2007 mailing. Thus, it is not clear whether he was in possession of a copy of the application papers and an oath or declaration prior to the alleged refusal made on 05 February 2008. Moreover, petitioner has not included copies of the materials alluded to by Ms. Jakob, including the emails she sent to him, the email allegedly stating his refusal, and any postal evidence related to the registered mailing. As such, it would not be appropriate to conclude on the basis of the present record to conclude that requirement (2) has been satisfied with respect to Mr. Mariethoz.
>
> Regarding Mr. Martinelli, petitioner presents a "Second Declaration of Ms. Esther Jakob" in which she indicates that she has identified new home and business addresses for Mr. Martinelli. In paragraphs 5 and 6, she indicates that she mailed a copy of the application and a declaration to the home address on 04 April 2008, and "received confirmation from the Postal Service" that it had been delivered, but petitioner has not provided a copy thereof. The same is true of the 09 May 2008 correspondence. Ms. Jakob further indicates that she "spoke to Ms. Martinelli who indicated to me that Mr. Martinelli refused to sign any of the patent-related documents without payment." However, Ms. Martinelli's alleged statement does not adequately establish whether Mr. Martinelli himself refused to execute the application after having been presented with an oath or declaration and a complete copy of the application papers. Thus, it would not be appropriate

to conclude on the basis of the present record to conclude that requirement (2) has been satisfied with respect to Mr. Martinelli.

In response, petitioner has provided additional documentation (and English translations thereof) related to the efforts undertaken to obtain signed declarations from inventors Mariethoz and Martinelli. This documentation, in combination with the evidence previously of record (including Ms. Jakob's statements), is sufficient to support a conclusion that each of the non-signing inventors has constructively refused to execute the application within the meaning of 37 CFR 1.47(a). Therefore, all of the requirements for relief now have been satisfied.

DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **22 August 2007** (the date the declaration was filed).

/George Dombroske/
George Dombroske
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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of a joint inventor. The petition has been granted. A notice has been sent to the last known address of each of the non-signing inventors. The inventors whose signatures are missing (Eric Mariethoz and Orlando Martinelli) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/IB2004/001784 and was filed on June 1, 2004 in the names of Stefan SCHWER, Eric MARIETHOZ, Daniel ANDERMATT and Orlando MARTINELLI for the invention entitled OSTEOSYNTHESIS PLATE. The national stage application number is 11/628,286 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of August 22, 2007.

29 MAY 2009

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Orlando Martinelli
Finkenweg 2
Wangen an der Aare
CH-3880
SWITZERLAND

In re Application of
Schwer et al.
Application No.: 11/628,286
PCT No.: PCT/IB2004/001784
Int. Filing Date: 01 June 2004
Priority Date: N/A
Attorney Docket No.: 8932-1346-999
For: Osteosynthesis Plate

Dear Mr. Martinelli:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

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

/George Dombroske/
George Dombroske
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Lawrence R. Gabuzda
Brain M. Rothery
Jones Day
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New York NY 10017

29 MAY 2009

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Eric Mariethoz
Case Postale 254
Haute-Nendaz
CH-1997
SWITZERLAND

In re Application of
Schwer et al.
Application No.: 11/628,286
PCT No.: PCT/IB2004/001784
Int. Filing Date: 01 June 2004
Priority Date: N/A
Attorney Docket No.: 8932-1346-999
For: Osteosynthesis Plate

Dear Mr. Mariethoz:

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.

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

/George Dombroske/
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25 JUN 2008

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NOVO NORDISK, INC.
INTELLECTUAL PROPERTY DEPARTMENT
100 COLLEGE ROAD WEST
PRINCETON NJ 08540

In re Application of NIELSEN et al. Application No.: 11/628,293 PCT No.: PCT/DK05/00359 Int. Filing Date: 31 May 2005 Priority Date: 07 June 2004 Attorney Docket No.: 6958.204-US For: RESERVOIR WITH LIQUIDLY APPLIED SEAL	DECISION ON PETITION UNDER 37 CFR 1.182

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371. Applicant submitted an executed declaration in the above referenced application filed in the United States Patent and Trademark Office on 02 January 2008. Applicant requests a one month extension of time, which is granted.

BACKGROUND

On 30 November 2006, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee.

On 17 October 2007, a Notification of Missing Requirements was mailed to applicants indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) & (b) and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 02 January 2008, applicant filed a Response to the Notification of Missing Requirements along with an executed declaration of the inventors. The published international application identified the first inventor as Charlotte Juel Nielsen and the second inventor as Lasse Weitzmann. However, the declaration identified the first inventor as Charlotte Juel Fristrup and the second inventor as Lasse Hansen and was executed as such.

DISCUSSION

A review of the application file reveals that the given name of the applicants as listed on the published international application is " Charlotte Juel Nielsen "and "Lasse Weitzmann". The declaration, filed on 02 January 2008, is signed by "Charlotte Juel Fristrup" and "Lasse Hansen". The executed declaration is not in compliance with 37 CFR 1.497(a) and (b) as the declaration does not name the inventive entity identified in the published international application. Thus, the declaration does not satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the

national stage in the United States.

It does not appear that applicant filed a request under PCT Rule 92*bis* to change the name of the inventor as no Notification of the Recording of a Change (Form PCT/IB/306) has been submitted which indicates that the name change was accepted. Should applicant wish to change the first inventor's last name to Fristrup and the second inventor last name to Hansen, a petition under 37 CFR 1.182 is required. See MPEP §605.04(c).

CONCLUSION

The declaration of inventors submitted by applicants on 02 January 2008 is not in compliance with 37 CFR 1.497(a) and (b).

Applicant has ONE (1) month within which to respond to this decision or the time remaining under the Notification of Missing Requirements mailed on 17 October 2008.

The application will be held in the PCT Legal Office to await applicant's further reply.

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

Cynthia M. Kratz
Attorney Advisor
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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100 COLLEGE ROAD WEST
PRINCETON NJ 08540

In re Application of
NIELSEN et al.
Application No.: 11/628,293
PCT No.: PCT/DK05/00359
Int. Filing Date: 31 May 2005
Priority Date: 07 June 2004
Attorney Docket No.: 6958.204-US
For: RESERVOIR WITH LIQUIDLY APPLIED SEAL

DECISION ON PETITION

UNDER 37 CFR 1.182

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371. On 22 July 2008, Applicant submitted a Petition under 37 CFR 1.182 along with an executed declaration in the above referenced application filed in the United States Patent and Trademark Office.

BACKGROUND

On 30 November 2006, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee.

On 17 October 2007, a Notification of Missing Requirements was mailed to applicants indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) & (b) and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 02 January 2008, applicant filed a Response to the Notification of Missing Requirements along with an executed declaration of the inventors. The published international application identified the first inventor as Charlotte Juel Nielsen and the second inventor as Lasse Weitzmann. However, the declaration identified the first inventor as Charlotte Juel Fristrup and the second inventor as Lasse Hansen and was executed as such.

On 25 June 2008, a decision was mailed to applicant indicating that a petition under 37 CFR 1.182 was required to correct the inventors' names.

On 22 July 2008, the instant petition was filed.

DISCUSSION

A review of the application file reveals that the given name of the applicants as listed on the published international application is " Charlotte Juel Nielsen "and "Lasse Weitzmann". The

declaration, filed on 02 January 2008,was signed by "Charlotte Juel Fristrup" and "Lasse Hansen" and was unacceptable.

Applicant now submits declarations by both inventors Charlotte Juel Fristrup and Lasse Hansen. Each inventor indicates that her name changed due to her marriage, providing sufficient evidence of her name change.

The executed declarations are in compliance with 37 CFR 1.497(a) and (b) as the declaration names the same inventive entity identified in the published international application and state the citizenship, residency and mailing addresses of the named inventors. The declaration satisfies the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

CONCLUSION

For the above reasons, the declarations submitted on 02 January 2008 now meets the requirements of 37 CFR 1.497(a) and (b) and is acceptable.

The petition under 37 CFR 1.182 to change the respective inventor's names to Charlotte Juel Fristrup and Lasse Hansen is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **02 January 2008.**

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0 7 JAN 2008

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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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
Scheible et al.	:	
Application No. 11/628,356	:	
PCT No.: PCT/EP05/05979	:	
Int. Filing Date: 03 June 2005	:	DECISION
Priority Date: 04 June 2004	:	
Atty. Docket No.: Q81967	:	
For: Projection System With Compensation Of Intensity Variations And Compensation Element Therefor	:	

This is in response to the declaration of the inventors filed on 25 September 2007, which is being treated under 37 CFR 1.42.

BACKGROUND

This international application was filed on 03 June 2005, claimed an earliest priority date of 04 June 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 15 December 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 04 December 2006. Applicants filed, *inter alia*, the basic national fee on 04 December 2006.

On 25 July 2007, a Notice of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant, requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

DISCUSSION

Review of the declaration of the inventors filed on 25 September 2007 reveals that joint inventor Patrick Scheible is indicated to be "deceased." 37 CFR 1.42 provides in part that

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Meanwhile, 37 CFR 1.497(b)(2), as amended effective 08 September 2000, provides that

> If the person making the oath or declaration is not the inventor (§§ 1.42, 1.43 or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state

that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

Further examination of the declaration reveals that it has been signed in the capacity of "legal representative of deceased inventor" by Guenter Scheible and Sigrid Scheible, and that it provides their citizenship, residence and mailing address information. The declaration also provides the citizenship and residential information for the deceased inventor, but it does not provide his (last) mailing address. However, since the inventor's postal address may be furnished on an Application Data Sheet, the declaration is being accepted under 37 CFR 1.42

CONCLUSION

The declaration filed on 25 September 2007 is **ACCEPTED** under 37 CFR 1.42.

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **25 September 2007**.

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

COPY MAILED
APR 10 2008
OFFICE OF PETITIONS

Applicant: Chan Goo Park
Appl. No.: 11/628,370
International Filing Date: June 18, 2004
Title: ELEVATION ANGLE CONTROL APPARATUS FOR SATELLITE-TRACKING ANTENNA
Attorney Docket No.: PARK, C - 3 PCT
Pub. No.: US 2007/0216592-A1
Pub. Date: September 20, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 22, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the inventor's name and residence is misspelled on the front page of the patent application publication, as the inventor's name should be "Chan Goo Park" not "Chang Goo Park" and the inventor's residence should be "Daejeon (KR)" not "Daejoen (KR)."

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 material mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the misspelling of the inventor's name and residence. The error does not affect the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[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).

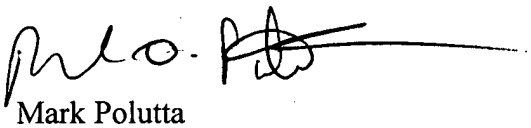
Applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication 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

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0 4 JAN 2007

MILDE & HOFFBERG LLP
10 Bank Street
Suite 460
White Plains, NY 10606

In re Application of :
ARAIZA *et al* :
U.S. Application No.: 11/628,375 :
PCT No.: PCT/EP2005/003776 :
Int. Filing Date: 11 April 2005 :
Priority Date: 13 April 2004 :
Attorney Docket No.: HBC 257-KFM :
For: DEVICE FOR THE TREATMENT OF A LIQUID OR GASEOUS MEDIUM BY MEANS OF UV RADIATION :

DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 01 December 2006 with the national stage papers is hereby **GRANTED** as follows:

The basic national fee and the petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was provided. The surcharge fee of $65.00 has been charged to Deposit Account No. 50-0427 as authorized.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 11 April 2005 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 01 December 2006.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

16 MAR 2010

United States Patent and Trademark Office

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NEW YORK NY 10174

In re Application of	:	
Samarasekera et al.	:	
Application No.: 11/628,376	:	DECISION
PCT No.: PCT/US2005/019673	:	
Int. Filing Date: 01 June 2005	:	ON
Priority Date: 01 June 2004	:	
Attorney Docket No.: 57549-0114US	:	PETITION
For: Video Flashlight/Vision Alert	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 19 August 2009.

BACKGROUND

This international application was filed on 01 June 2005, claimed an earlier priority date of 01 June 2004, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 01 December 2006. Applicants filed *inter alia* the basic national fee on 01 December 2006.

On 20 July 2007, a Filing Receipt and a Notification of Acceptance (Form PCT/DO/EO/903) were mailed to applicants.

DISCUSSION

As a preliminary matter, it is noted that the petition is captioned as brought under 37 CFR 1.47(a), but petitioner also refers to 37 CFR 1.47(b). Per the policy described at MPEP 409.03(b)("Where 37 CFR 1.47(a) is available, application cannot be made under 37 CFR 1.47(b)"), the petition is being treated under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, the $200.00 petition fee is being charged to Deposit Account 50-1659, per the authorization included in the petition.

Regarding **requirement (2)**, petitioner describes efforts undertaken to obtain Mr. Arpa's signature, but no first-hand statements by Ms. Bennett and Ms. Hsu describing their efforts have been provided. Petitioner indicates that efforts were made to contact Mr. Arpa at his place of employment, but the first time a complete copy of the application papers and a declaration were allegedly sent to his last-known residential address was 23 October 2008. Petitioner has not provided a copy of the 23 October 2008 letter, or of any related postal evidence. It is noted that

counsel refers to an address obtained from a telephone directory. Does counsel have reason to believe that his last-known address is no longer valid? If so, it would be appropriate to demonstrate diligent efforts undertaken to ascertain current contact information. For the reasons described, it would not be appropriate to conclude that requirement (2) has been satisfied at this time.

Regarding **requirement (3)**, the petition indicates the last known address of the non-signing joint inventor.

Regarding **requirement (4)**, the declaration filed on 01 December 2006 is acceptable for purposes of 37 CFR 1.47(a) and 37 CFR 1.497(a) and (b).

The Filing Receipt and a Notification of Acceptance (Form PCT/DO/EO/903) mailed on 20 July 2007 were issued prematurely, and both are hereby **VACATED**.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
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UNITED STATES PATENT AND TRADEMARK OFFICE

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24 APR 2008

Tiajoloff & Kelly
Chrysler Building, 37th Floor
405 Lexington Avenue
New York, NY 10174

In re Application of :
SAMARASEKERA, et al. :
U.S. Application No.: 11/628,377 : DECISION ON PETITION
PCT No.: PCT/US05/19672 :
Int. Filing Date: 01 June 2005 : UNDER 37 CFR 1.47(a)
Priority Date: 01 June 2004 :
Attorney Docket No.: 57549-0112US :
For: METHOD AND APPARATUS FOR VIDEO :
SURVEILLANCE SYSTEM :

This decision is in response to the applicant's "Petition Under 37 C.F.R. §" filed 07 April 2007 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of joint inventor Aydin Arpa.

BACKGROUND

On 01 June 2005, applicant filed international application PCT/US05/19672 which claimed priority to a earlier U.S. application filed 01 June 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 01 December 2006.

On 01 December 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee, an information disclosure statement, a combined declaration and power of attorney and a preliminary amendment.

On 05 December 2007, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date noting that the declaration filed 01 December 2006 was not executed. (It is noted that the declaration was in fact executed by all of the inventors minus inventor Aydin Arpa, the subject of the present petition. As Mr. Arpa did not sign the filed declaration mailing of the Form PCT/DO/EO/905 was proper.) Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 07 April 2008, applicant filed the present petition under 37 CFR 1.47 accompanied by a petition for a two-month extension of time. With the filing of the two-month extension of time

and payment of the appropriate extension of time fee the response is considered timely filed.

DISCUSSION

Applicant's petition references 37 CFR 1.47(b). A petition under 37 CFR 1.47(b) is only required in instances in which all of the named inventors refuse to execute an oath or declaration, or cannot be located despite a diligent effort. In the present case inventor Arpa is the only inventor yet to execute the declaration.

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items (1), and (4) above.

Regarding item (2), Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) states, in part:

> Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature."

It appears from the filed petition that Mr. Arpa was merely mailed the combined declaration and power of attorney for execution rather than a complete set of application papers. As such, it is not possible to accept the silence of Mr. Arpa as a refusal. In addition, applicant has not provided any firsthand accounts of the preparation and mailing of the documents to the non-signing inventor. Lastly, applicant appears to have mailed the declaration to Mr. Arpa's place of employment. Absent some type of firsthand account of Mr. Arpa receiving the mailing this action does not proof that Mr. Arpa is refusing to cooperate as it is possible that the mailing was received by the company but never forwarded to the inventor. Applicant should make an additional mailing to the inventor to his residence with a complete set of application papers so there is no question that the inventor understand to which invention he was being requested to provide an executed declaration.

As to item (3), applicant has provided a workplace address for the last known address and then stated that, "but he possibly still has a residence address at 1815 Ravens Crest, Plainsboro, NJ 08536." Applicant is required to state the inventor's last known address. As stated in MPEP 409.03(e): "That address should be the last known address at which the inventor customarily receives mail. See MPEP § 605.03. Ordinarily, the last known address will be the last known residence of the nonsigning inventor."

In light of the above it is not possible to grant applicant's petition under 37 CFR 1.47(a) at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED without prejudice**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

0 4 AUG 2008

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Chrysler Building, 37th Floor
405 Lexington Avenue
New York, NY 10174

In re Application of	:	
SAMARASEKERA, et al.	:	
U.S. Application No.: 11/628,377	:	DECISION ON PETITION
PCT No.: PCT/US05/19672	:	
Int. Filing Date: 01 June 2005	:	UNDER 37 CFR 1.47(a)
Priority Date: 01 June 2004	:	
Attorney Docket No.: 57549-0112US	:	
For: METHOD AND APPARATUS FOR VIDEO SURVEILLANCE SYSTEM	:	

This decision is in response to applicant's "Renewed Petition Under 37 CFR 1.47(a)" filed 24 June 2008 in the United States Patent and Trademark Office.

BACKGROUND

On 24 April 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 24 June 2008, applicant filed the present renewed petition.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1 and 4.

As to item (2), applicant has now provided a firsthand account and supporting documentation that on two occasions the non-signing inventor was mailed a complete set of application papers and declaration. To date no response has been received by the inventor. The inventor's silence constitutes a refusal.

Regarding item (3), applicant has currently provided the last known address of the non-signing inventors.

Accordingly, applicant has satisfied the remaining two items and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 01 June 2005 under 35 U.S.C. 363, and will be given a date of **01 December 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

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UNITED STATES PATENT AND TRADEMARK OFFICE

0 4 AUG 2008

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

Mr. Aydin Arpa
1815 Ravens Crest
Plainsboro, NJ 08536

In re Application of
SAMARASEKERA, et al.
U.S. Application No.: 11/628,377
PCT No.: PCT/US05/19672
Int. Filing Date: 01 June 2005
Priority Date: 01 June 2004
Attorney Docket No.: 57549-0112US
For: METHOD AND APPARATUS FOR VIDEO SURVEILLANCE SYSTEM

Dear Mr. Arpa:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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15 JUN 2007

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120 South Riverside Plaza
22nd Floor
Chicago, IL 60606

In re Application of
WHITE et al.
U.S. Application No. 11/628,402
PCT No.: PCT/IL05/00608
Int. Filing Date: 08 June 2005
Priority Date: 18 June 2004
Attorney Docket No.: 7251/95837
For: SPLICING SYSTEM

DECISION ON REQUEST

This decision is issued in response to applicants' Request for Correction of Inventorship filed 21 February 2007, which is being treated as a Request under 37 CFR 1.497(d).

BACKGROUND

On 08 June 2005, applicants filed international application no. PCT/IL05/00608 which claimed a priority date of 18 June 2004. The international application named eight applicant/inventors. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 18 December 2006.

On 30 November 2006, applicants filed a transmittal letter for entry into the national stage accompanied by, *inter alia*: the requisite basic national fee; a copy of the international application; an application data sheet; and a preliminary amendment.

On 21 February 2007, applicants filed a declaration executed by nine inventors. The declaration was accompanied by a request to add an inventor (David Fink) under 37 CFR 1.497(d).

DISCUSSION

The present submission seeks to correct the inventorship so as to add inventor David Fink to the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17; and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).

(4) any new oath or declaration required by paragraph (f) of this subsection.

Applicants have satisfied items (1); (2); (3) and (4).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicants have completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application will be given an international application filing date of 08 June 2005 and a date of **21 February 2007** under 35 U.S.C. 371.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

Anthony Smith
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BERGHOFF LLP
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32ND FLOOR
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DEC 29 2009

OFFICE OF PETITIONS

In re Application of
Kongtawelert et al
Application No. 11/628,432
Filed: December 2, 2006
Attorney Docket No. 07-2041

DECISION ON REQUEST FOR REFUND
& DECISION DISMISSING PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the Request For Refund filed November 28, 2009. This is also a decision on the petition under 37 CFR 1.137(b) filed November 14, 2009 to revive the above identified application.

The request for refund is **GRANTED**.

The petition under 37 CFR 1.137(b) is **DISMISSED** as Moot.

Petitioner states that, "On November 14, 2009, Applicants filed a Response to Office Action Mailed June 11, 2009. Believing that November 11, 2009 was the final deadline for filing the response, Applicants' representative submitted a Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b), and authorized the Office to charge the amount of $1,620.00 for the fee pursuant to 37 C.F.R. § 1.17(m) to Deposit Account No. 13-2490. Because the final deadline for filing a response to the Office Action mailed June 11, 2009 is, in fact, December 11, 2009 – and not November 11, 2009 – the instant application did not become abandoned on November 14, 2009." Petitioner filed a three month extension of time with fee on November 16, 2009.

In view of the above, the petition under 37 CFR 1.137(b) is dismissed as moot and the request for refund of the petition fee ($1,620.00) is granted.

This application is being referred to Technology Center AU 1644 for appropriate action by the Examiner in the normal course of business on the reply received November 14, 2009.

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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20 FEB 2007

Eric S. Hyman
Blakely, Sokoloff, Taylor & Zafman, LLP
12400 Wilshire Boulevard, 7th Floor
Los Angeles, CA 90025

In re Application of :
LEON :
Application No.: 11/628,437 : DECISION ON PETITION
PCT No.: PCT/FR05/01363 :
Int. Filing Date: 03 June 2005 : UNDER 37 CFR 1.10(c)
Priority Date: 04 June 2004 :
Atty. Docket No.: 15675P644 :
For: BIODEGRADABLE THERMOPLASTIC :
COMPOSITION AND METHOD FOR THE :
PREPARATION THEREOF :

This is a decision on applicant's "PETITION PURSUANT TO RULE 1.10(C)" filed 05 February 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 03 June 2005, applicant filed international application PCT/FR05/01363 which claimed priority to an earlier Australian application filed 04 June 2004. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 12 January 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 04 December 2006.

On 01 December 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application as published, an executed combined declaration and power of attorney; an assignment document for recording and a preliminary amendment.

On 05 February 2007, applicant filed the present petition indicating that while the subject application was deposited for mailing using Express Mail from the United States Postal Service on 01 December 2006, the return receipt postcard from the USPTO indicated a date of receipt of 04 December 2006.

DISCUSSION

37 CFR 1.10(c) states: Any person filing correspondence under this section that was

received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

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

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Applicant has satisfied all three items above. In addition, a review of the USPS track and confirm website shows a date of acceptance by the USPS of "December 01, 2006 4:25 pm, INGLEWOOD, CA 90311." Therefore, it is proper to grant applicant's petition at this time.

It is noted that a review of the filed transmittal letter shows that applicant did not check box number 3 indicating an express request to begin national examination procedures at any time rather than delay until the expiration of 30 months from the priority date. As such, applicant is advised that should the United States Designated/Elected Office (US/DO/EO) determine that all of the 35 U.S.C. 371 requirements have been satisfied, the Form PCT/DO/EO/903 will indicate 04 December 2006 as the date of completion of all 35 U.S.C. 371 requirements since this is the expiration of 30 months from the claimed priority date of 04 June 2004.

CONCLUSION

Applicant's petition under 37 CFR 1.10 is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision.

Derek A. Putonen
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SEP 25 2009

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

In re Application of	:	
Masada, Yohei	:	DECISION ON REQUEST TO
Application No. 11/628,452	:	PARTICIPATE IN PATENT
Filed: 12/04/2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 03500.124764	:	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 21, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to 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 at the http://www.uspto.gov/ebc/index.html.

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

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

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19 DEC 2006

John C. Eisenhart
Fleshner & Kim, LLP
P.O. Box 221200
Chantilly, VA 22151-1200

In re Application of	:	
KIM	:	
U.S. Application No.: 11/628,457	:	DECISION ON PETITION
PCT No.: PCT/KR05/00175	:	
Int. Filing Date: 19 January 2005	:	UNDER 37 CFR 1.137(b)
Priority Date: 11 February 2004	:	
Attorney Docket No.: AIP-0005	:	
For: REFRIGERATOR BODY AND METHOD OF MANUFACTURING THE SAME	:	

The petition to revive under 37 CFR 1.137(b) filed 04 December 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a compliant, executed oath or declaration of the inventor is required.

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30 APR 2007

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

In re Application of CARMINATI et al :
U.S. Application No.: 11/628,551 :
PCT Application No.: PCT/IT2005/000320 :
Int. Filing Date: 08 June 2005 : DECISION
Priority Date Claimed: 11 June 2004 :
Attorney Docket No.: 4865-107 :
For: USE OF 7-T- :
BUTOXYIMINOMETHYLCAMPTOTHECIN. . . :

This is in response to applicant's "Request for Refund" filed 14 March 2007.

BACKGROUND

On 08 June 2005, applicant filed international application PCT/IT2005/000320, which claimed priority of an earlier Italy application filed 11 June 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 December 2005. The thirty-month period for paying the basic national fee in the United States expired on 11 December 2006.

On 04 December 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and was assigned U.S. Application Number 11/628,458.

On 05 December 2006, applicant filed a second set of national stage papers with the DO/EO/US. This submission was assigned U.S. Application Number 11/628,551.

On 09 February 2007, this Office mailed a communication which stated that the serialization of U.S. Application Number 11/628,551 has been vacated.

On 14 March 2007, applicant filed the present request for refund under 37 CFR 1.26.

DISCUSSION

37 CFR 1.26(a) states in relevant part,

> The Commissioner may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent or trademark filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee.

In the present case, because the submission of two different sets of application papers to enter the national stage in the United States is not permitted, the fees paid with the second set of national stage papers are deemed to be in excess of the fees required.

CONCLUSION

For the reasons above, the request for refund under 37 CFR 1.26 is GRANTED.

The application is being forwarded to the DO/EO/US for refunding of the submitted fees and will undergo no further processing thereafter.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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

Mail Date: 04/21/2010

Applicant	: Konstantin Malitski	: DECISION ON REQUEST FOR
Patent Number	: 7660732	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/628,469	: 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 **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.

28 NOV 2007

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COOPER & DUNHAM, LLP
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

In re Application of FULGA et al	:	
U.S. Application No.: 11/628,488	:	
PCT Application No.: PCT/IL2005/000571	:	
Int. Filing Date: 01 June 2005	:	DECISION
Priority Date Claimed: 01 June 2004	:	
Attorney Docket No.: 77237/JPW/YC	:	
For: IN VITRO TECHNIQUES FOR USE WITH STEM CELLS	:	

This is in response to applicant's "Petition to Revive an Unintentionally Abandoned §371 National Stage Application Under 37 C.F.R. §1.137(b)" filed 21 September 2007.

BACKGROUND

On 01 June 2005, applicant filed international application PCT/IL2005/000571, which claimed priority of an earlier United States application filed 01 June 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 15 December 2005. The thirty-month period for paying the basic national fee in the United States expired on 01 December 2006.

On 01 December 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was not accompanied by the basic national fee required by 35 U.S.C. 371(c)(1).

International application PCT/IL2005/000571 became abandoned as to the United States for failure to timely pay the basic national fee.

On 21 September 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless

previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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OLIFF & BERRIDGE, PLLC
P.O. Box 19928
Alexandria, VA 22320

09 JAN 2007

In re Application of
KIMURA *et al*
U.S. Application No.: 11/628,495
PCT No.: PCT/IB2005/002012
Int. Filing Date: 14 July 2005
Priority Date: 16 July 2004
Attorney Docket No.: 129777
For: PRODUCTION METHOD FOR SOLID POLYMER ELECTROLYTE MEMBRANE, . . .

DECISION

This decision is in response to the "Petition Under 37 C.F.R. §1.182 for Change of Name of Inventor" filed 05 December 2006.

BACKGROUND

On 05 December 2006, applicants filed papers to enter the national stage of PCT/IB2005/002012 which was accompanied by, *inter alia*, an executed declaration and a petition under 37 CFR 1.182 to change the name of an inventor.

DISCUSSION

Section 605.04(c), *Inventor Changes Name*, of the MPEP lists the procedures required to change the name of an inventor and states, in part:

> The petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

Petitioners state that one of the inventors has changed her last name from AKAGAWA to KIMURA and provided an executed declaration to that effect. Petitioners included an affidavit signed by the inventor listing both names and setting forth that the name change was the result of marriage.

Petitioner also submitted a $130.00 petition fee. However, the fee has changed to $400.00. The difference will be charged to Deposit Account No. 15-0461 as authorized.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The declaration submitted 05 December 2006 is in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. § 371(c). The application has an international filing date of 14 July 2005, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 05 December 2006.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

Mail Date: 04/21/2010

Applicant	: Francois Augnet	: DECISION ON REQUEST FOR
Patent Number	: 7617915	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/628,545	: 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 **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.

UNITED STATES PATENT AND TRADEMARK OFFICE

28 APR 2009

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CANTOR COLBURN LLP
20 Church Street, 22nd Floor
Hartford, CT 06103

In re Application of :
AMANUMA et al. :
Application No.: 11/628,571 :
PCT No.: PCT/BR2005/000050 :
Int. Filing Date: 17 March 2005 :
Priority Date: 12 July 2004 :
Docket No.: 047147.001 : DECISION
For: ROD WITH OCTAGONAL CORE :
PURPOSE-BUILT FOR CIVIL CONSTRUCTION :

This is in response to applicant's "Petition 37 C.F.R. §1.47(b)" filed 23 December 2008.

BACKGROUND

On 17 March 2005, applicant filed international application PCT/BR2005/000050, which claimed priority of an earlier Brazil application filed 12 July 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 04 December 2006. The thirty-month period for paying the basic national fee in the United States expired on 12 January 2007.

On 04 December 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 June 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 23 December 2008, applicant filed the present petition under 37 CFR 1.47(b) and request for status under 37 CFR 1.42.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. See 37 CFR 1.47(b).

Petitioner has satisfied items (1) and (3) of 37 CFR 1.47(a). However, items (2), (4)-(6) have not been satisfied.

With regard to item (1) above, the requisite fee has been provided.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that the deceased inventor's legal representative Ricardo Hidetoshi Amanuma refuses to execute the declaration. However, documentary evidence of the purported attempts to procure a signed declaration has not been furnished. There is no evidence that a copy

of the application papers has not been sent to the last known address of inventor's legal representative. Although the petition states that applicant contacted the inventor's legal representative by telephone on several occasions, an affidavit from the person who made the calls has not been provided. Copies of e-mail correspondence between the deceased inventor's legal representative and the local intellectual property counsel for the 1.47(b) applicant were provided; however, English translations were not submitted. Thus, it would not be reasonable at the present time to conclude that the legal representative Ricardo Hidetoshi Amanuma refuses to sign the required documents.

With regard to item (3) above, the petition states the last known address of the legal representative of the nonsigning inventor.

With regard to item (4) above, an oath and declaration was signed by John Raymond Sweet. However, there is no documentary evidence that shows John Raymond Sweet has apparent authority to sign the declaration on behalf of and as agent for the nonsigning inventor's legal representative; and there is no statement from assignee giving authority to John Raymond Sweet.

With regard to item (5) above, the 37 CFR 1.47(b) applicant must prove that, as of the date the application was deposited in the Patent and Trademark Office, (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify filing of the application. MPEP 409.03(f).

MPEP 409.03(f) states in the relevant part,

> If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant prior to the date the application is deposited in the Patent and Trademark Office.
>
> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by affidavit or declaration that those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. **When such an agreement is relied on, it must be established by the affidavit or declaration of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.**
>
> If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.
>
> A proprietary interest obtained otherwise than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an

affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record. Note MPEP 409.03(f)

In the present case, the petitioner states that the deceased inventor had agreed in writing to assign the invention to the 1.47(b) applicant BMP Siderurgia S/A. However, a review of inventor's assignment document does not specifically reveal either applicant Amanuma assigning or agreeing to assign the invention to 1.47(b) applicant. The document refers to various Brazilian laws which have not been explained. If Amanuma agreed to assign the invention as part of his employment, then 1.47(b) applicant has to provide the document and a statement from a person with first hand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant. In the situation where there are no such documents, then 1.47(b) applicant has to provide a legal memorandum as explained above.

With regard to item (6) above, a statement regarding preservation of the rights of the parties and/or prevention of irreparable damage has not been provided.

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.47(b) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for status under 37 CFR 1.42 and Renewed Petition Under 37 CFR 1.47(b)". No additional petition fee is required.

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

Application No.: 11/628,571

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Examiner
Office of PCT Legal Administration
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Rafael Bacares
PCT Petition Attorney
Office of PCT Legal Administration

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Mail Date: 05/10/2010

Applicant	: Walter Harvey Waddell	: DECISION ON REQUEST FOR
Patent Number	: 7659355	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/628,591	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **400** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

17 DEC 2007

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Hutchison Law Group
P.O.Box 31686
Raleigh NC 27612

In re Application of	:	
OETTER et al.		
Application No.: 11/628,609	:	DECISION
PCT No.: PCT/EP2005/006106	:	
Int. Filing Date: 07 June 2005	:	
Priority Date: 08 June 2004	:	
Attorney Docket No.: BASF.10190WOUS	:	
For: AMPHIPHILIC POLYMER COMPOSITIONS	:	
AND THEIR USE	:	

This decision is in response to applicants' "PETITION UNDER 37 CFR 1.181" filed in the United States Patent and Trademark Office (USPTO) on 06 September 2007. No petition fee is required.

BACKGROUND

On 07 June 2005, applicants filed international application PCT/EP2005/006106, which designated the United States and claimed a priority date of 08 June 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 December 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 December 2006.

On 05 December 2006, applicants filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 18 July 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required.

On 06 September 2007, applicants filed the instant "PETITION UNDER 37 CFR 1.181". The petition was accompanied by, *inter alia*, a copy of a declaration of inventors and a USPTO date-stamped postcard receipt.

DISCUSSION

Applicants have provided sufficient evidence to establish that on 05 December 2006 applicants filed a declaration of inventors. The proof is in the form of the copy of the receipt for the above-identified application which bears a USPTO date stamp of 05 December 2006 and which itemizes an "Executed Declaration/Power of Attorney" and identifies the above-captioned docket number, applicant, and title. Further, practitioner states that the copy of the declaration filed 06 September 2007 is a copy of the declaration originally filed 05 December 2006. Therefore, in view of the date-stamped receipt and practitioner's statement, the declaration received on 06 September 2007 may properly be accepted as originally received in the USPTO on 05 December 2006. The NOTIFICATION OF MISSING REQUIREMENTS mailed 18 July 2007 is hereby vacated.

The declaration filed 05 December 2006 is in compliance with 37 CFR 1.497(a)-(b).

The surcharge of $130 charged to Deposit Account 50-3218 on 10 September 2007 has been credited to that Account.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTIFICATION OF MISSING REQUIREMENTS mailed 18 July 2007 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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KENYON & KENYON LLP
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NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Hans-Peter Scheurer	: DECISION ON REQUEST FOR
Patent Number	: 7574994	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/628,632	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/04/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **65** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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27 MAY 2009

Geoffrey E. Dobbin
4278 South 6220 West
West Valley City, UT 84128-6501

In re Application of :
CHARLTON :
Application No.: 11/628,641 :
PCT No.: PCT/AU2005/000861 :
Int. Filing Date: 17 June 2005 : DECISION
Priority Date: 18 June 2004 :
Atty. Docket No.: 334533US6PCT :
For: LADDER SAFETY DEVICE :
:

This is a decision on applicant's "PETITION FOR REVIVAL... UNDER 37 CFR 1.137(b)" filed in the U.S. Patent and Trademark Office (USPTO) on 11 November 2008. The petition was accompanied by, *inter alia,* the requisite petition fee and the fees due. The petition is **GRANTED** as discussed below.

The present application became abandoned as to the U.S. National Stage for failure to respond to the Notification of Insufficient Fees (Form PCT/DO/EO/823) mailed 17 December 2007.

A review of the application file reveals that applicant has satisfied the requirements of 37 CFR 1.137(b), and that the application satisfies the requirements under 35 U.S.C. 371 for entry into the national stage in the United States.

The application has an international filing date of 17 June 2005, under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (2), and (4) date of **06 December 2006**.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.

Richard R. Cole
PCT Legal Examiner
Office of PCT Legal Administration

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/628,646	12/06/2006	Valerity Ivanovich Gordienko		7332

7590 01/14/2010

I. Zborovsky
6 Schoolhouse Way
Dix Hills, NY 11746

EXAMINER	
BULLOCK JR, LEWIS ALEXANDER	
ART UNIT	PAPER NUMBER
2193	
MAIL DATE	DELIVERY MODE
01/14/2010	PAPER

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

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

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Dix Hills, NY 11746

MAILED

JAN 14 2010

Technology Center 2100

In re Application of:
Valerity Ivanovich Gordienko al.
Application No. 11/628,646
Docket : N/A
Filed: December 12, 2006
For: FORMATION PROCESS FOR LOGICAL AND CONTROL FUNCTIONS IN INFORMATION PROCESSING AND CONTROL SYSTEMS

DECISION ON PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(c) AND M.P.E.P.§708.02(IV)

This is a decision on the petition to make special filed December 7, 2009 under 37 C.F.R. §1.102(c) and M.P.E.P. §708.02(IV): Applicant's Age.

The petition is **GRANTED**.

M.P.E.P. §708.0IV), which sets forth the prerequisites for grantable petitions to make special based upon the age of an applicant under 37 C.F.R. § 1.102(c), states in relevant part:

> An application may be made special upon filing a petition including any evidence showing that the applicant is 65 years of age, or more, such as applicant's statement or a statement from a registered practitioner that he or she has evidence that the applicant is 65 years of age or older. No fee is required with such a petition. See 37 CFR 1.102(c).

The petition includes a statement by applicant's representative that the applicant is over 65 years of age and a copy of a passport purporting to have been issued to applicant Gordienko.

Accordingly, the petition is **GRANTED**. The application will be forwarded to an examiner for processing in a fashion consistent with this decision.

/Gail Hayes/
Gail Hayes

Special Programs Examiner/Quality Assurance Specialist
Technology Center 2100
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0 2 JUN 2008

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22nd Floor
Chicago, IL 60606

In re Application of	:	
WACHTFOGEL, et al.	:	
Application No.: 11/628,677	:	DECISION ON PETITION
PCT No.: PCT/IL05/00383	:	
Int. Filing Date: 10 April 2005	:	UNDER 37 CFR 1.181
Priority Date: 21 June 2004	:	
Atty Docket No.: 7251/96025	:	
For: MOBILE PERSONAL VIDEO RECORDER	:	

This decision is in response to applicant's "Response to Missing Parts Notice" filed 17 March 2008 in the United States Patent and Trademark Office (USPTO). The communication is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 10 April 2005, applicant filed international application PCT/IL05/00383, which claimed a priority date of 21 June 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 29 December 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 04 December 2006.

On 06 December 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee; an application data sheet and a preliminary amendment.

On 07 March 2008, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 17 March 2008, applicant filed the present petition indicating that a declaration of the inventor and power of attorney had been filed on 18 January 2007.

DISCUSSION

Applicant has provided a legible copy of the receipt postcard which shows a USPTO date stamp, "IAP13 Rec'd PCT/PTO 18 JAN 2007" and clearly identifies in part: "Declaration and Power of Attorney (executed)(2 Pages)" as well as listing the applicant, title and attorney docket number. The postcard has not been annotated in any way to indicate that the declaration and power of attorney was not received by the Office. The evidence is sufficient to establish that the executed declaration and revocation of power of attorney was received in the USPTO on 18 January 2007. Applicant has certified that the presently filed copy of the document is a true and complete copies of the paper originally filed on 18 January 2007. As such, it is proper to accept the presently filed declaration as having been filed on 18 January 2007 and to **GRANT** applicant's petition at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 07 March 2008 is hereby **VACATED**.

The application has an international filing date of 10 April 2005 under 35 U.S.C. 363 and will be given a date of **18 January 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) indicating a 371 date as detailed above.

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21 NOV 2007

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MURAMATSU & ASSOCIATES
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In re Application of KITA et al	:	
U.S. Application No.: 11/628,708	:	
PCT Application No.: PCT/US2005/010428	:	
Int. Filing Date: 07 June 2005	:	DECISION
Priority Date Claimed: 07 June 2004	:	
Attorney Docket No.: SAKAI.001AUS	:	
For: METHOD FOR DIAGNOSING STATUS OF BURN-IN APPARATUS	:	

This is in response to applicant's correspondence filed 12 October 2007, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 07 June 2005, applicant filed international application PCT/US2005/010428, which claimed priority of an earlier Japan application filed 07 June 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 December 2005. The thirty-month period for paying the basic national fee in the United States expired on 07 December 2006.

On 05 December 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 12 October 2007, applicant filed the present request for status under 37 CFR 1.42 along with an executed declaration.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 12 October 2007 fails to state one of the citizenship of the deceased inventor as required by 1.497(a)(3) and the citizenship of the legal representative as required by 37 CFR 1.497(b)(2). Applicant is advised that the singular indication of the citizenship in the signature block of the declaration cannot be used for both purposes.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136 are available. Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

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

Bryan Lin

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29 JUL 2008

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In re Application of KITA et al	:	
U.S. Application No.: 11/628,708	:	
PCT Application No.: PCT/US2005/010428	:	
Int. Filing Date: 07 June 2005	:	DECISION
Priority Date Claimed: 07 June 2004	:	
Attorney Docket No.: SAKAI.001AUS	:	
For: METHOD FOR DIAGNOSING STATUS OF BURN-IN APPARATUS	:	

This is in response to applicant's correspondence filed 28 April 2008, which is being treated as a renewed request for status under 37 CFR 1.42.

BACKGROUND

On 07 June 2005, applicant filed international application PCT/US2005/010428, which claimed priority of an earlier Japan application filed 07 June 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 December 2005. The thirty-month period for paying the basic national fee in the United States expired on 07 December 2006.

On 05 December 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 12 October 2007, applicant filed a request for status under 37 CFR 1.42 along with an executed declaration.

On 21 November 2007, this Office mailed a decision dismissing the 12 October 2007 request for status.

On 28 April 2008, applicant filed the present renewed request for status under 37 CFR 1.42, including a newly executed declaration.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 28 April 2008 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 07 June 2005, and a date under 35 U.S.C. 371(c) of 28 April 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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HOFFMANN-LA ROCHE INC.
PATENT LAW DEPARTMENT
340 KINGSLAND STREET
NUTLEY NJ 07110

MAILED

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OFFICE OF PETITIONS

In re Application of :
Fertig, et al. :
Application No. 11/628,725 : ON APPLICATION FOR
Filed: December 5, 2006 : PATENT TERM ADJUSTMENT
Atty Docket No. 22596 :

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705, filed August 17, 2009. Applicants submit that the patent term adjustment to be indicated on the patent is at minimum four hundred seventy-two (472) days, not four hundred sixty-three (463) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction on the basis that the Office will take in excess of three years to issue this patent.

In addition, applicants dispute the period of reduction of 463 days for Office delay in mailing at least one of a notification under 35 U.S.C. 132 not later than fourteen months after the date on which the application fulfilled the requirements of 35 U.S.C. 371 in an international application. Applicants contend the period of reduction should be 472 days.

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

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term

patentees are entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

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

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

To the extent that applicants otherwise request correction of the initial determination of patent term adjustment (PTA), the application for patent term adjustment is **DISMISSED.**

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

On May 22, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 263 days.

Applicants dispute the period of adjustment of 463 days for Office delay in mailing at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application fulfilled the requirements of 35 U.S.C. 371 in an international application. Applicants contend the period of reduction should be 472 days. Applicants assert that all requirements of 35 U.S.C. 371(c) were met on December 5, 2006. Therefore, applicants argue that December 5, 2006 should be the date from which the 14 month period is calculated.
The Office calculated the 14 month period from December 14, 2006, which is the completion date.

Applicants are informed that the date of completion of all 35 U.S.C. 371 requirements is relevant for purposes of patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)(II) and 37 CFR 1.702(a)(1) when the Office has failed to mail a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than 14 months after the date on which the requirements under 35 U.S.C. 371 were fulfilled. This date is the latest of:

(A) the date of submission of the basic national fee;
(B) the date of submission or communication of the copy of the international application;
(C) the date of submission of the translation of the international application if the international application is not in the English language;
(D) the date of submission of an oath or declaration of the inventor in compliance with 35 U.S.C. 371(c)4)
(E) the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date;
(F) if a request for early processing has not been requested prior to 30 months from the priority date, the date of submission of any translation of the annexes to the international preliminary examination report if the translation of the annexes are filed within the time period set in a Notification of Missing Requirements

requiring either an English translation of the international application or an oath or declaration; and

(G) the date of submission of any surcharge for submitting the oath or declaration later than 30 months form the priority date.

As early processing was not requested in this application, the date of completion is 30 months from the priority date. The priority date was June 14, 2004. The date of completion is December 14, 2006.

Entry of the period of reduction of 463 days (from February 14, 2006, which is the date after 14 months after the date of completion, to May 22, 2009, the date a Notice of Allowance was mailed) is warranted.

In view thereof, the determination of patent term adjustment at the time of the mailing of the notice of allowance remains 463 days.

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

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

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

Telephone inquiries specific to this decision should be directed to Shirene Willis Brantley, Senior Petitions Attorney, at (571) 272-3230.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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HOFFMANN-LA ROCHE INC.
PATENT LAW DEPARTMENT
340 KINGSLAND STREET
NUTLEY, NJ 07110

Mail Date: 04/21/2010

Applicant	: Georg Fertig	: DECISION ON REQUEST FOR
Patent Number	: 7638553	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/628,725	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **478** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

22 JUL 2008

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Oliff & Berridge, PLC
P.O. Box 320850
Alexandria, VA 22320-4850

In re Application of
BRANLARD et al.
Application No.: 11/628,742
PCT No.: PCT/FR05/01834
Int. Filing Date: 18 July 2005
Priority Date: 19 July 2004
Atty. Docket No.: 130505
For: DOUBLE-LAYERED COMPACTED SOLID WATER-PURIFICATION PRODUCT

DECISION

This decision is issued in response to applicant's "Request for Refund" dated 06 September 2007. Additionally, this decision is in response to applicant's "Request for Correction of PALM Records" filed 19 September 2007, treated herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date. No petition fee is due.

BACKGROUND

On 18 July 2005, applicant filed international application PCT/FR05/01834, which claimed a priority date of 19 July 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 February 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 19 January 2007.

On 07 December 2006, applicant filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; a copy of the international application; and an application data sheet.

On 03 January 2007, applicant filed an English translation of the international application and a preliminary amendment.

On 19 January 2007, applicant filed an executed declaration of inventorship.

On 26 July 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR

1.492(e). The notification set a two-month time period to respond. In response to the Notification of Missing Requirements, applicant submitted a copy of the declaration filed 19 January 2007. Applicant submitted a response (oath/declaration) to the Notification of Missing Requirements on 07 August 2007.

On 04 September 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 07 August 2007 and a 35 U.S.C. 371 completion date of 07 August 2007.

On 06 September 2007, applicant filed "Request for Refund."

On 19 September 2007, applicant filed "Request for Correction of PALM Records."

DISCUSSION

Request for Refund

As stated in the present refund request, applicant filed a declaration on 19 January 2007, prior to the expiration of thirty months from the priority date. The surcharge charged to applicant, based as it was on applicant's purported failure to file an oath or declaration within thirty months of the priority date, is not proper. Deposit Account No. 15-0461 will be credited with a refund of $130, as requested.

Request for Corrected Notification of Acceptance and Official Filing Receipt

Applicant requests a corrected filing date (or 371(c) date) from 07 August 2007 to 19 January 2007. The actual filing date of the present application is the international filing date, i.e.,18 July 2005. (See 35 U.S.C. 363) The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. (See MPEP §1895.01)

A review of the application file and the materials filed by applicant on 07 June 2007 confirms that the executed declaration completing the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) was filed herein on 19 January 2007. The Notification Of Acceptance and filing receipt mailed 04 September 2007, both of which identified the 35 U.S.C. 371(c) date as 07 August 2007, are therefore appropriately vacated.

Accordingly, the correction of the Notification of Acceptance to indicate a date of 19 January 2007 is proper.

CONCLUSION

The refund request is **GRANTED** and Deposit Account No. 15-0461 will be credited with a refund of $130, as requested.

Applicant's request under 37 CFR 1.181 for issuance of a corrected Notification of Acceptance and Official Filing Receipt is **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 10 May 2007 are hereby **VACATED**.

The National Stage Processing Branch of the International Division will be instructed to issue a corrected Notification Of Acceptance (Form PCT/DO/EO/903) identifying the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date as 02 March 2007 and a corrected filing receipt which identifies 02 March 2007 as the filing date.

Thereafter, this application will be referred to its appropriate Art Unit.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/628,780	12/07/2006	Hiroshi Uchida	09227.0017	9601

22852 7590 12/06/2007

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

EXAMINER	
HEITBRINK, JILL LYNNE	

ART UNIT	PAPER NUMBER
1791	

MAIL DATE	DELIVERY MODE
12/06/2007	PAPER

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

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

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JOSEPH J. CORSO
1801 East 9th Street, Suite 1200
Cleveland, OH 44114-3108

DEC - 6 2007

In re Application of
Hiroshi UCHIDA et al.
Application No. 11/628780
Filed: December 7, 2007
Attorney Docket No. 09227.0017

: 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 November 13, 2007, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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:

Where ALL the claims submitted in the US application are essentially the same as those allowed by the Japanese Patent Office. The originally filed Claim 1 of the instant US application and the JP allowed Claim 1 differ in that the claims are not similar in scope. For instance, in US Claim

1, there is "a pressure **applying** step for applying pressure from the gate against the injected resin within the cavity after the molten resin injection step" where the Japanese Claim 1 only has the step of "a...pressure **keeping** step of applying pressure from the gate against the molten resin injected into the cavity after the injection step;" and US Claim 1 in the next step claims (a fluid injection step for injecting a fluid toward the back surface of the molded product via the flow channel" where the Japanese Claim 1's next step is "a pressurized fluid injection step of injecting pressurized fluid from a flow channel and then the Japanese claim continues with additional limitations after "wherein the molten resin pressure keeping step and the pressurized fluid injection step are simultaneously executed..." are set forth. None of these limitations are set forth in US independent Claim 1.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be faxed to Kathryn Gorgos at 571 273-1012.

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

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

Kathryn Gorgos
TC 1700 TQAS

PATENT
Attorney Docket No. 09227.0017-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Hiroshi UCHIDA et al.	Group Art Unit: 1791
Application No.: 11/628,780	Examiner: Heitbrink, J.
Filed: December 7, 2006	Confirmation No.: 9601
For: INJECTION MOLDING METHOD AND INJECTION MOLDING APPARATUS	

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

Sir:

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM

Applicants hereby request participation in the Patent Prosecution Highway (PPH) Pilot Program and petition to make the above-identified application special under the program.

Applicants submit that an office action was never issued by the Japanese Patent Office (JPO) in corresponding Japanese Application No. JP 2004-373751. Applicants filed two preliminary amendments and conducted an interview with the Examiner in order to place the corresponding Japanese application in condition for allowance. Accordingly, Applicants do not have any copies of JPO office actions or an Information Disclosure Statement listing documents cited in the JPO office actions to attach with the above request.

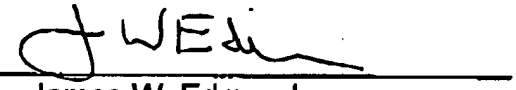
Applicants, however, do attach a copy of all claims which were determined to be patentable by the JPO, a claims correspondence table, and a verification of translation statement that the English translations attached are accurate.

The Commissioner is hereby authorized to charge the petition fee under 37 C.F.R. § 1.17(h) as required by 37 C.F.R. § 1.102(d) to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 13, 2007

By: 
James W. Edmondson
Reg. No. 33,871

PTO/SB/20 (09-07)
Approved for use through 12/31/2008. OMB 0651-0058
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.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN THE (1) JPO OR (2) UKIPO, AND THE USPTO

Application No.:	11/628,780	First Named Inventor:	Hiroshi UCHIDA
Filing Date:	December 7, 2006	Attorney Docket No.:	09227.0017-00000
Title of the Invention:	INJECTION MOLDING METHOD AND INJECTION MOLDING APPARATUS		

THIS REQUEST FOR PARTICIPATION IN THE PPH PILOT PROGRAM MUST BE FAXED TO :
THE OFFICE OF THE COMMISSIONER FOR PATENTS AT 571-273-0125 DIRECTED TO THE ATTENTION OF MAGDALEN GREENLIEF

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM AND PETITIONS OT MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PILOT PROGRAM.

The above-identified application validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO application(s) or UKIPO application(s).

The ☒ JPO ☐ UKIPO application number(s) is/are: JP 2004-373751; JP 2004-170400

The filing date of the ☒ JPO ☐ UKIPO application(s) is/are: December 24, 2004; June 8, 2004

I. List of Required Documents:

a. **A copy of all JPO office actions (excluding "Decision to Grant a Patent"*) in the above-identified JPO application(s), or a copy of all UKPO office actions in the above-identified UKIPO application(s).**

☒ Is attached. **[PLEASE SEE ATTACHED REQUEST FOR PARTICIPATION IN PPH]**

☐ Is available via Dossier Access System. Applicant hereby requests that the USPTO obtain these documents via the Dossier Access System.

*It is not necessary to submit a copy of the "Decision to Grant a Patent" and an English translation thereof.

b. **A copy of all claims which were determined to be patentable by the JPO in the above-identified JPO application(s), or a copy of all claims which were determined to be patentable by the UKIPO in the above-identified UKIPO application(s).**

☒ Is attached.

☐ Is available via Dossier Access System. Applicant hereby requests that the USPTO obtain these documents via the Dossier Access System.

c. **English translations (where applicable) of the documents in a. and b. above along with a statement that the English translations are accurate are attached.**

Information disclosure statement listing the documents cited in the JPO office actions or UKIPO office

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). 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 2 hours 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. **FAX COMPLETED FORMS TO: Office of the Commissioner for Patents at 571-273-0125, Attention: Magdalen Greenlief.**

PTO/SB/20 (09-07)
Approved for use through 12/31/2008. OMB 0651-0058
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REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN THE (1) JPO OR (2) UKIPO, AND THE USPTO

Application No.:	11/628,780	First Named Inventor:	Hiroshi UCHIDA

II. Claims Correspondence Table: PLEASE SEE ATTACHED TABLE

Claims in US Application	Patentable Claims in JP/UKIPO Application	Explanation regarding the correspondence

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the JPO or UKIPO application.

IV. Payment of Fees:

The Commissioner is hereby authorized to charge the petition fee under 37 CFR 1.17(h) as required by 37 CFR 1.102(d) to

☒ **Deposit Account No.** 06-0916 .

☐ **Credit Card. Credit Card Payment Form (PTO-2038) is attached.**

Signature	Date: November 13, 2007
Name (Print/Typed) James W. Edmondson	Registration Number: 33,871

Claim correspondence table

JP Application No. 2004-373751		US Application No. 11/628,780	
Allowed Claim No.	Translation of Claims	Claim No.	Claims
1	An injection molding method using an injection mold, the injection mold comprising a gate, a cavity connected with the gate, and a flow channel which opens toward a back surface of a molded product, the method comprising:	1	An injection molding method using an injection mold, the injection mold comprising a gate, a cavity connected with the gate, and a flow channel having an opening which opens toward a back surface of a molded product, the method comprising:
	an injection step of injecting molten resin from the gate into the cavity;		a molten resin injection step of injecting molten resin from the gate into the cavity;
	a molten resin pressure keeping step of applying pressure from the gate against the molten resin injected into the cavity after the injection step; and		a pressure-applying step of applying pressure from the gate against the injected resin within the cavity after the molten resin injection step; and
	a pressurized fluid injection step of injecting pressurized fluid from the flow channel,		a fluid injection step of injecting a fluid toward the back surface of the molded product via the flow channel,
	wherein the molten resin pressure keeping step and the pressurized fluid injection step are simultaneously executed,		wherein the pressure-applying step and the fluid injection step are simultaneously executed,
	the pressure applied in the molten resin pressure keeping		the pressure applied in the pressure-applying step is lower

	step is lower than pressure applied in the injection step, fluid pressure injected in the pressurized fluid injection step is lower than the pressure applied in the molten resin pressure keeping step, the pressure applied in the molten resin pressure keeping step is pressure that would not be sufficient to prevent a design surface of the molded product from separating from a surface of the cavity unless the pressurized fluid injection step is simultaneously executed, and the pressure applied in the pressurized fluid injection step is pressure that would not be sufficient to prevent the design surface of the molded product from separating from the surface of the cavity unless the molten resin pressure keeping step is simultaneously executed.		than injection pressure applied in the molten resin injection step, fluid pressure applied in the fluid injection step is lower than the pressure applied in the pressure-applying step, the pressure applied in the pressure-applying step is pressure that would not be sufficient to prevent a design surface of the molded product from separating from a surface of the cavity unless the fluid injection step is simultaneously executed, and the fluid pressure applied in the fluid injection step is pressure that would not be sufficient to prevent the design surface of the molded product from separating from the surface of the cavity unless the pressure-applying step is simultaneously executed.
2	The method as in claim 1, wherein the molten resin pressure keeping step and the pressurized fluid injection step are simultaneously started.	2	The method as in claim 1, wherein the pressure-applying step and the fluid injection step are simultaneously started.

3	The method as in claim 1, wherein the pressurized fluid injection step is started during the injection step.	3	The method as in claim 1, wherein the fluid injection step is started during the molten resin injection step.
4	The method as in claim 3, wherein the pressurized fluid injection step is started after a tip of the molten resin flowing inside the cavity has passed through the opening of the flow channel when the molten resin is injected into the cavity.	4	The method as in claim 3, wherein the fluid injection step is started after a tip of the molten resin flowing inside the cavity has passed through the opening of the flow channel.
5	The method as in any one of claims 1 to 4, wherein the pressurized fluid injection step is continued after the molten resin pressure keeping step has been finished.	5	The method as in claim 1, wherein the fluid injection step is continued after the pressure-applying step has been finished.
6	The method as in any one of claims 1 to 5, wherein the pressure of the molten resin within the cavity is higher than the pressure of the pressurized fluid when the pressurized fluid injection step is started.	6	The method as in claim 1, wherein pressure of the injected resin within the cavity is higher than the fluid pressure applied in the fluid injection step when the fluid injection step is started.
7	The method as in claim 6, wherein the pressurized fluid injection step is started between a timing in which a tip of the molten resin flowing inside the cavity passes through the opening	7	The method as in claim 6, wherein the fluid injection step is started between a timing in which a tip of the molten resin flowing inside the cavity passes through the opening of the flow

	of the flow channel and a timing in which the molten resin pressure keeping step is started.		channel and a timing in which the pressure-applying step is started.
8	An injection molding apparatus comprising: an injection mold comprising a gate, a cavity connected with the gate, and a flow channel which opens toward a back surface of a molded product; injection means for injecting molten resin from the gate into the cavity; molten resin pressure keeping means for applying pressure from the gate against the molten resin within the cavity after the molten resin is injected into the cavity; and pressurized fluid injection means for injecting pressurized fluid from the flow channel while the molten resin pressure keeping means applies the pressure against the molten resin within the cavity, wherein the pressure applied by the molten resin pressure keeping means is lower than pressure	8	An injection molding apparatus comprising: an injection mold comprising a gate, a cavity connected with the gate, and a flow channel having an opening which opens toward a back surface of a molded product; a molten resin injection device for injecting molten resin from the gate into the cavity; a pressure-applying device for applying pressure from the gate against the injected resin within the cavity after the cavity has been filled with the molten resin; and a fluid injection device for injecting a fluid toward the back surface of the molded product via the flow channel while the pressure-applying device applies the pressure against the injected resin within the cavity, wherein the pressure applied by the pressure-applying device is lower than injection pressure applied by

	applied by the injection means, fluid pressure injected by the pressurized fluid injection means is lower than the pressure applied by the molten resin pressure keeping means, the pressure applied by the molten resin pressure keeping means is pressure that would not be sufficient to prevent a design surface of the molded product from separating from a surface of the cavity unless simultaneously injecting the pressurized fluid by the pressurized fluid injection means, and the pressure applied by the pressurized fluid injection means is pressure that would not be sufficient to prevent the design surface of the molded product from separating from the surface of the cavity unless simultaneously applying the pressure by the molten resin pressure keeping means.		the molten resin injection device, fluid pressure applied by the fluid injection device is lower than the pressure applied by the pressure-applying device, the pressure applied by the pressure-applying device is pressure that would not be sufficient to prevent a design surface of the molded product from separating from a surface of the cavity unless injecting the fluid by the fluid injection device, and the fluid pressure applied by the fluid injection device is pressure that would not be sufficient to prevent the design surface of the molded product from separating from the surface of the cavity unless applying the pressure by the pressure-applying device.
9	The apparatus as in claim 8, wherein the injection mold further comprises a stopper disposed at the opening of the flow channel.	9	The apparatus as in Claim 8, wherein the injection mold further comprises a stopper disposed at the opening of the flow channel, the stopper preventing the

			molten resin from entering to the flow channel through the opening.
10	The apparatus as in claim 8 or 9, wherein the injection mold further comprises a columnar area within the cavity for forming a hole in the molded product, and the opening is formed in the vicinity of the boundary where the molten resin that has passed the right side of the columnar area and the molten resin that has passed the left side of the columnar area merge together.	10	The apparatus as in Claim 8, wherein the injection mold further comprises a columnar area for forming a hole in the molded product, and the opening of the flow channel is formed in the vicinity of the boundary where the molten resin that has passed the right side of the columnar area and the molten resin that has passed the left side of the columnar area merge together.
11	The injection molding apparatus as in any one of claims 8 to 10, wherein the pressurized fluid injection means starts to inject the pressurized fluid after the molten resin injected into the cavity has passed through the opening of the flow channel.	11	The injection molding apparatus of Claim 8, wherein the fluid injection device starts to inject the fluid after a tip of the molten resin flowing inside the cavity has passed through the opening of the flow channel.

UNITED STATES PATENT AND TRADEMARK OFFICE

US Patent Application Number: 11/628,780
International Application Number: PCT/JP2005/010735
International Filing Date: June 6, 2005
Inventor: Hiroshi UCHIDA, Tadayoshi TAKAHARA and Tomoaki ETO
Title: INJECTION MOLDING METHOD AND INJECTION MOLDING APPARATUS
Corresponding Japanese Application Number: 2004-373751
Corresponding Japanese Filing Date: December 24, 2004

VERIFICATION OF TRANSLATION

Sir:

I, Hideo KODAMA, c/o Kai-U Patent Law Firm, Nisseki Meieki Building 7F, 45-14, Meieki 2-chome, Nakamura-ku, Nagoya, 450-0002, Japan, hereby declare that:

1. I can read and understand both English and Japanese;
2. I translated the allowed claims of Japanese Application Number 2004-373751;
3. The attached English translation is true and correct translation of the allowed claims of Japanese Patent Application 2004-373751 to the best of my knowledge and belief.

November 2, 2007 _____
Date

_____
Hideo Kodama

Translation of Claims

[Name of Document] CLAIMS

[Claim 1]

An injection molding method using an injection mold, the injection mold comprising a gate, a cavity connected with the gate, and a flow channel which opens toward a back surface of a molded product, the method comprising:

an injection step of injecting molten resin from the gate into the cavity;

a molten resin pressure keeping step of applying pressure from the gate against the molten resin injected into the cavity after the injection step; and

a pressurized fluid injection step of injecting pressurized fluid from the flow channel,

wherein the molten resin pressure keeping step and the pressurized fluid injection step are simultaneously executed,

the pressure applied in the molten resin pressure keeping step is lower than pressure applied in the injection step,

fluid pressure injected in the pressurized fluid injection step is lower than the pressure applied in the molten resin pressure keeping step,

the pressure applied in the molten resin pressure keeping step is pressure that would not be sufficient to prevent a design surface of the molded product from separating from a surface of the cavity unless the pressurized fluid injection step is simultaneously executed, and

the pressure applied in the pressurized fluid injection step is pressure that would not be sufficient to prevent the design surface of the molded product from separating from the surface of the cavity unless the molten resin pressure keeping step is simultaneously executed.

[Claim 2]

The method as in claim 1,

wherein the molten resin pressure keeping step and the pressurized fluid injection step are simultaneously started.

[Claim 3]

The method as in claim 1,

wherein the pressurized fluid injection step is started during the injection step.

[Claim 4]

The method as in claim 3,

wherein the pressurized fluid injection step is started after a tip of the molten resin flowing inside the cavity has passed through the opening of the flow channel when the molten resin is injected into the cavity.

[Claim 5]

The method as in any one of claims 1 to 4,

wherein the pressurized fluid injection step is continued after the molten resin pressure keeping step has been finished.

[Claim 6]

The method as in any one of claims 1 to 5,

wherein the pressure of the molten resin within the cavity is higher than the pressure of the pressurized fluid when the pressurized fluid injection step is started.

[Claim 7]

The method as in claim 6,

wherein the pressurized fluid injection step is started between a timing in which a tip of the molten resin flowing inside the cavity passes through the opening of the flow channel and a timing in which the molten resin pressure keeping step is started.

[Claim 8]

An injection molding apparatus comprising:

an injection mold comprising a gate, a cavity connected with the gate, and a flow channel which opens toward a back surface of a molded product;

injection means for injecting molten resin from the gate into the cavity;

molten resin pressure keeping means for applying pressure from the gate against the molten resin within the cavity after the molten resin is injected into the cavity; and

pressurized fluid injection means for injecting pressurized fluid from the flow channel while the molten resin pressure keeping means applies the pressure against the molten resin within the cavity, wherein

the pressure applied by the molten resin pressure keeping means is lower than pressure applied by the injection means,

fluid pressure injected by the pressurized fluid injection means is lower than the pressure applied by the molten resin pressure keeping means,

the pressure applied by the molten resin pressure keeping means is pressure that would not be sufficient to prevent a design surface of the molded product from separating from a surface of the cavity unless simultaneously injecting the pressurized fluid by the pressurized fluid injection means, and

the pressure applied by the pressurized fluid injection means is pressure that would not be sufficient to prevent the design surface of the molded product from separating from the surface of the cavity unless simultaneously applying the pressure by the molten resin pressure keeping means.

[Claim 9]

The apparatus as in claim 8,

wherein the injection mold further comprises a stopper disposed at the opening of the flow channel.

[Claim 10]

The apparatus as in claim 8 or 9,

wherein the injection mold further comprises a columnar area within the cavity for forming a hole in the molded product, and

the opening is formed in the vicinity of the boundary where the molten resin that has passed the right side of the columnar area and the molten resin that has passed the left side of the columnar area merge together.

[Claim 11]

The injection molding apparatus as in any one of claims 8 to 10,

wherein the pressurized fluid injection means starts to inject the pressurized fluid after the molten resin injected into the cavity has passed through the opening of the flow channel.

整理番号:K04-346 特願2004-373751 (Proof) 提出日:平成18年 3月31日 1

【書類名】 手続補正書
【整理番号】 K04-346
【提出日】 平成18年 3月31日
【あて先】 特許庁長官 殿
【事件の表示】
【出願番号】 特願2004-373751
【補正をする者】
【識別番号】 000003207
【氏名又は名称】 トヨタ自動車株式会社
【補正をする者】
【識別番号】 300087396
【氏名又は名称】 株式会社ビーピーエイ
【代理人】
【識別番号】 110000110
【氏名又は名称】 特許業務法人 快友国際特許事務所
【代表社員】 小玉 秀男
【補正により増加する請求項の数】 2
【手続補正1】
【補正対象書類名】 特許請求の範囲
【補正対象項目名】 全文
【補正方法】 変更
【補正の内容】
【書類名】特許請求の範囲
【請求項１】
ゲートと、ゲートに連通しているキャビティと、成形品の裏面に向けて開口している流路を有する射出成形型を利用する射出成形方法であり、
ゲートからキャビティに溶融樹脂を充填する充填工程と、
充填工程の後に、キャビティ内に充填された溶融樹脂に対してゲートから圧力を加える溶融樹脂圧力保持工程と、
前記流路から加圧流体を注入する加圧流体注入工程を備え、
溶融樹脂圧力保持工程と加圧流体注入工程は同時に実施され、
溶融樹脂圧力保持工程で加えられる圧力は、充填工程で加えられる圧力より小さく、
加圧流体注入工程で注入される流体圧力は、溶融樹脂圧力保持工程で加えられる圧力より小さく、
溶融樹脂圧力保持工程で加えられる圧力は、加圧流体注入工程を同時に実施しなければ成形品表面とキャビティ面が剥離することを禁止できない圧力であり、
加圧流体注入工程で加えられる圧力は、溶融樹脂圧力保持工程を同時に実施しなければ成形品表面とキャビティ面が剥離することを禁止できない圧力であることを特徴とする射出成形方法。
【請求項２】
前記溶融樹脂圧力保持工程と前記加圧流体注入工程を同時に開始することを特徴とする請求項１の射出成形方法。
【請求項３】
前記加圧流体注入工程を前記充填工程中に開始することを特徴とする請求項１の射出成形方法。
【請求項４】
キャビティに溶融樹脂を充填する際にキャビティ内を流動する溶融樹脂の先端が前記流路の前記開口を通過した後に前記加圧流体注入工程を開始することを特徴とする請求項３の射出成形方法。
【請求項５】

前記溶融樹脂圧力保持工程を終了した後に、前記加圧流体注入工程を継続することを特徴とする請求項１から４のいずれかの射出成形方法。

【請求項６】

前記加圧流体注入工程を開始する時に、キャビティ内の溶融樹脂の圧力が加圧流体の圧力より高いことを特徴とする請求項１から５のいずれかの射出成形方法。

【請求項７】

キャビティ内を流動する溶融樹脂の先端が前記流路の前記開口を通過するタイミングと溶融樹脂圧力保持工程を開始するタイミングの間に前記加圧流体注入工程を開始することを特徴とする請求項６の射出成形方法。

【請求項８】

ゲートと、ゲートに連通しているキャビティと、成形品の裏面に向けて開口している流路を有する射出成形型と、

ゲートからキャビティに溶融樹脂を充填する充填手段と、

キャビティ内に溶融樹脂が充填された後に、キャビティ内の溶融樹脂に対してゲートから圧力を加える溶融樹脂圧力保持手段と、

溶融樹脂圧力保持手段がキャビティ内の溶融樹脂に対して圧力を加えている間に、前記流路から加圧流体を注入する加圧流体注入手段を備え、

溶融樹脂圧力保持手段によって加えられる圧力は、充填手段によって加えられる圧力より小さく、

加圧流体注入手段によって注入される流体圧力は、溶融樹脂圧力保持手段によって加えられる圧力より小さく、

溶融樹脂圧力保持手段によって加えられる圧力は、加圧流体注入手段によって加圧流体を同時に注入しなければ成形品表面とキャビティ面が剥離することを禁止できない圧力であり、

加圧流体注入手段によって加えられる圧力は、溶融樹脂圧力保持手段によって圧力を同時に加えなければ成形品表面とキャビティ面が剥離することを禁止できない圧力であることを特徴とする射出成形装置。

【請求項９】

射出成形型は、前記流路の開口部に配置されているベントをさらに有することを特徴とする請求項８の射出成形装置。

【請求項１０】

射出成形型は、成形品に貫通穴を成形する柱状部をキャビティ内に備えており、

前記開口部は、ゲートからキャビティに溶融樹脂を充填する際に、柱状部の左右を通過した溶融樹脂が合流する境界の近傍に形成されていることを特徴とする請求項８又は９の射出成形装置。

【請求項１１】

前記加圧流体注入手段は、キャビティに充填した溶融樹脂が流動して前記流路の開口部上を通過してから、加圧流体の注入を開始することを特徴とする請求項８から１０のいずれかの射出成形装置。

Disclaimer:
This English translation is produced by machine translation and may contain errors. The JPO, the INPIT, and those who drafted this document in the original language are not responsible for the result of the translation.

Notes:
1. Untranslatable words are replaced with asterisks (****).
2. Texts in the figures are not translated and shown as it is.

Translated: 23:36:57 JST 11/27/2007
Dictionary: Last updated 11/16/2007 / Priority:

Decision to Grant a Patent

Application number: Application for patent 2004-373751
Date of Drafting: Heisei 18(2006) June 22
Patent examiner: TOMINAGA, Hisako 9635 4F00
Title of invention: The injection-molding method and injection-molding equipment
The number of claims: 11
Applicant: TOYOTA JIDOSHA KABUSHIKI KAISHA (and 1 others)
Representative: It is a patent office in the patent operating corporation ****** case.

This application is to be granted a patent as there is no reason for refusal.

Director General(p.p.) Director(p.p.) Examiner Assistant examiner Manager for Determination of Classification OSHIMA, Shogo TOMINAGA, Hisako SAITO, Katsuya 8710 9635 9344

1. Distinction of Patent: Usually
2. Reference documents: **
3. Application of Patent Law, Section 30: Nothing
4. Change of Title of Invention: Nothing
5. International Patent Classification (IPC)
B29C 45/76 , B29C 45/57

6. Deposition of Microorganism

7. Display of Purport that Retroactivity of Filing Date is not Accepted

Decision to Grant a Patent(Memorandum)

Application number: Application for patent 2004-373751

1. Technical Fields to Be Searched (IPC, DB Name)
B29C45/00-45/84

2. Reference patent documents
JP,2002-17265,A (JP, A) JP,10-278077,A (JP, A) JP,11-010684,A (JP, A) JP,11-028748,A (JP, A) JP,08-300460,A (JP, A) JP,2004-330676,A (JP, A) JP,10-156861,A (JP, A) JP,10-225951,A (JP, A)

3. Reference books and magazines

[Translation done.]

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

FINNEGAN HENDERSON FARROW GARRETT & DUNNER LLP
901 New York Avenue, NW
Washington, DC 20001-4413

JAN 0 9 2008

In re Application of	:	DECISION ON REQUEST TO
Hiroshi UCHIDA et al	:	PARTICIPATE IN PATENT
Application No. 11/628780	:	PROSECUTION HIGHWAY
Filed: December 7, 2006	:	PILOT PROGRAM AND PETITION
Attorney Docket No. 09227.0017-00000	:	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 November 13, 2007, the preliminary amendment, filed January 4, 2008, which has not been entered, and the preliminary amendment, filed January 8, 2008, which has been entered, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

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

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

Kathryn Gorgos
TQAS TC 1700

18 FEB 2009

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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

In re Application of :
KIM, et al. :
U.S. Application No.: 11/628,797 : DECISION ON PETITION
PCT No.: PCT/KR05/02041 :
Int. Filing Date: 29 June 2005 : UNDER 37 CFR 1.181
Priority Date: 29 June 2004 :
Attorney Docket No.: 53024 :
For: METHOD AND APPARATUS FOR TRANS- :
MITTING/ RECEIVING CONTROL MESSAGE :
RELATED TO PACKET CELL SERVICE IN... :

This decision is in response to applicant's "Petition to Withdraw Holding of Abandonment Under 37 C.F.R. §1.182" filed 05 January 2009 in the United States Patent and Trademark Office (USPTO). For the reasons discussed below the petition is being treated as a petition under 37 C.F.R. §1.181 to withdraw the notice of abandonment. No petition fee is required.

BACKGROUND

On 29 June 2005, applicant filed international application PCT/KR05/02041 which claimed priority of an earlier application filed 29 June 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 05 January 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 29 December 2006.

On 07 December 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an information disclosure statement.

On 25 February 2008, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. Applicant was afforded two months to file the required response and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 07 November 2008, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) informing applicant that applicant had failed to respond to the Form

PCT/DO/EO/905 mailed 25 February 2008 within the time period set therein and that above-identified application was abandoned as to the United States.

On 05 January 2009, applicant filed the petition considered herein.

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) at 711.03(c) and the Official Gazette, at 1156 OG 53, provides the grounds that an Office action was not received:

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.

Applicant has provided a statement that the Form PCT/DO/EO/905 was never received and supplied a copy of the firm's docket record for the relevant period. However, applicant has not provided a firsthand statement that a search of the file jacket and application contents revealed that the Form PCT/DO/EO/905 had not been received nor has applicant provided a signed statement describing the firm's docketing system other than stating that documents are "date stamped, logged and docketed." As such, it is not possible to grant applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is **DISMISSED**.

This application remains **ABANDONED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181." Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

24 APR 2009

Commissioner for Patents
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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

In re Application of	:	
KIM, et al.	:	
U.S. Application No.: 11/628,797	:	DECISION ON PETITION
PCT No.: PCT/KR05/02041	:	
Int. Filing Date: 29 June 2005	:	UNDER 37 CFR 1.181
Priority Date: 29 June 2004	:	
Attorney Docket No.: 53024	:	
For: METHOD AND APPARATUS FOR TRANS-MITTING/ RECEIVING CONTROL MESSAGE RELATED TO PACKET CELL SERVICE IN...	:	

This decision is in response to applicant's "Renewed Petition to Withdraw Holding of Abandonment Under 37 C.F.R. §1.181" filed 17 April 2009 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 18 February 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.181. Applicant was afforded two months to file any request for reconsideration.

On 17 April 2009, applicant filed the renewed petition considered herein.

DISCUSSION

As detailed in the decision mailed 18 February 2009, the Manual of Patent Examining Procedure (MPEP) at 711.03(c) and the Official Gazette, at 1156 OG 53, provides the grounds that an Office action was not received:

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.

Applicant previously provided a statement that the Form PCT/DO/EO/905 was never received and supplied a copy of the firm's docket record for the relevant period. However, applicant did not provide a firsthand statement that a search of the file jacket and application contents revealed that the Form PCT/DO/EO/905 had not been received nor did applicant provided a signed statement describing the firm's docketing system.

With the filing of the present renewed petition and supporting materials applicant has satisfied all of the remaining elements and concerns raised in the previous decision and it is proper to grant applicant's renewed petition at this time to withdraw the holding of abandonment.

CONCLUSION

For the reasons detailed above, applicant's renewed petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/909 mailed 07 November 2008 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for the mailing of a new Form PCT/DO/EO/905.

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

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAILED

SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:	
KotaroYano et al	:	
Application No. 11/628,801	:	DECISION GRANTING PETITION
Filed: December 7, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. Q83428	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 11, 1009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 11, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1793 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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WOODCOCK, WASHBURN, LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

COPY MAILED

NOV 23 2007

OFFICE OF PETITIONS

In re Application of :
Alastair David Griffiths Lawson et al. :
Application No. 11/628,809 : DECISION ON PETITION
Filed: July 10, 2007 : TO WITHDRAW
Attorney Docket No. CELI-0321 : 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 1, 2007.

The request is **NOT APPROVED**.

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

The 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
Petitions Examiner
Office of Petitions

cc: David Griffiths Lawson
c/o UCB Celltech, 208 Bath Road
Slough, Berkshire, United Kingdom
SL1 3WE

cc: Michael S. Greenfield
McDonnell, Boehnen, Hulbert &
Berghoff, LLP
300 South Wacker Drive
Chicago, IL 60606

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 05/07/2010

Applicant	: Jalal Hallak	: DECISION ON REQUEST FOR
Patent Number	: 7660138	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/628,901	: 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 **436** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/628,915		Hirofumi Yamashita	50478-5700	9704

52044 7590 03/31/2008

SNELL & WILMER L.L.P. (Matsushita)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

EXAMINER	
ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
03/31/2008	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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SNELL & WILMER L.L.P. (Matsushita)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

In re Application of
Hirofumi YAMASHITA
Application No.: 11/628,915
Filed: December 6, 2006
Attorney Docket No.: 50478-5700
For: FLUORESCENT LAMP, BACK LIGHT UNIT, AND METHOD OF MANUFACTURING THE FLUORESCENT LAMP

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PILOT PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

APR - 1 2008

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 5, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:

a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

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

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In re Application of
Neill Hamilton Luebke

Application No. 11628933

Filed: December 7,2006

Attorney Docket No. 115207.00002

:
:
: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 08-FEB-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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/628,971	12/08/2006	Hirofumi Matsui	1248-0916PUS1	1105

2292 7590 11/13/2008
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
YOUNG, BRIAN K	

ART UNIT	PAPER NUMBER
2819	

NOTIFICATION DATE	DELIVERY MODE
11/13/2008	ELECTRONIC

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

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

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

mailroom@bskb.com

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Birch Stewart Kolasch & Birch
PO BOX 747
Falls Church, VA 22040-0747

In re Application of al.	:	
Application No. 11/628,971	:	NOTICE OF WITHDRAWAL
Filed: 12/08/2006	:	FROM ISSUE
Attorney Docket No. 1248-0916PUS1	:	UNDER 37 CFR ∋ 1.313
	:	

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The above-identified application is hereby withdrawn from issue. The Notice of Allowance and Issue Fee Due and the Notice of Allowability mailed 08/05/2008, are hereby vacated.

The application is being withdrawn from issue to permit reopening of prosecution. The reasons therefor will be communicated to you by the examiner.

The issue fee is refundable upon request. However, the applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, the applicant may request either a refund or a credit to a Deposit Account.

Telephone inquires should be directed to Rexford Barnie, Supervisory Patent Examiner, Art Unit 2819, at (571) 272-7492.

The above-identified application is being forwarded to the examiner for prompt appropriate action.

John Cabeca, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Masahiro Amano	: DECISION ON REQUEST FOR
Patent Number	: 7661952	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/628,978	: 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 **339** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Leland H. Lyon	: DECISION ON REQUEST FOR
Patent Number	: 7665549	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/628,998	: 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 **502** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

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

In re Application of :
Thomas Daussmann et al :
Application No. 11/629,000 : DECISION ON PETITION
Filed: November 24, 2008 : TO WITHDRAW
Attorney Docket No. 1238.031US1 : FROM RECORD
:

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 5, 2009.

The request is **APPROVED**.

The request was signed by Louis M. Leichter on behalf of the practitioners who are associated with customer No. 21186.

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

All future correspondence will be directed to assignee Codexis, Inc. at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Codexis, Inc.
200 Penobscot Drive
Redwood City, CA 94063

cc: Louis M. Leichter
1600 TCF Tower
121 South 8th Street
Minneapolis, MN 55402

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/629,000	11/24/2008	Thomas Daussmann	1238.031US1

CONFIRMATION NO. 3116

POWER OF ATTORNEY NOTICE

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

Date Mailed: 12/14/2009

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.

/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
11/629,000	11/24/2008	Thomas Daussmann	1238.031US1

CONFIRMATION NO. 3116

Codexis, Inc.
200 Penobscot Drive
Redwood City, CA 94063

POA ACCEPTANCE LETTER

Date Mailed: 12/14/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/05/2009.

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

20 FEB 2007

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Michael S. Neustel
Neustel Law Offices, LTD
2534 South University Drive, Suite 4
Fargo, ND 58103

In re Application of	:	DECISION ON
DEHENNAU, Claude et al.	:	
Application No. 11/629,011	:	
PCT No.: PCT/EP2005/051867	:	
Int. Filing Date: 26 April 2005	:	PETITION UNDER
Priority Date: 27 April 2004	:	
Attorney's Docket No.: FRIT-002	:	
For: REINFORCEMENT OF POLYMER	:	
BODIES WITH ORIENTED STRIPS	:	37 CFR §1.137(b)

This petition decision is in response to Applicant's "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 06 December 2006. The Petition identifies the Applicant as being entitled to small entity status. The small entity fee for the Petition in the amount of $750 has been submitted.

BACKGROUND

On 26 April 2005, the above-named international application was filed with claimed foreign priority to 27 April 2004. Under 35 USC §1.371(b) and under 37 CFR §1.495(b), Applicant must submit the items identified in 35 USC §1.371(b) no later than 30 months from the date of foreign priority upon entrance into the national stage of examination. In the instant application, the thirty-month date would be 27 October 2006.

On 06 December 2006, a "Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Submission Under 35 USC 371" was received in the United States Patent and Trademark Office (USPTO) that included an "express request to begin national examination procedures" under 35 USC §371(f) and that had the parts required under 35 USC §371(b) in order to enter the national phase, including the required fees. The 06 December 2006

Letter was accompanied by a "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" with the small entity petition fee of $750 as provided for in 37 CFR §1.17(m).

Since the basic national fee was received after the thirty-month period for entry into the national phase of examination had expired, the instant application went abandoned at midnight of 27 October 2006.

DISCUSSION

Under 37 CFR §1.137(b), a grantable petition for revival of an unintentionally abandoned application 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); (3) a statement under 37 CFR §1.137(b)(3) that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR §1.137(b) was unintentional; and (4) any terminal disclaimer that may be required under 37 CFR §1.137(d).

The Petitioner has submitted the basic national filing fee (small entity) of $150, has submitted petition fee (small entity) of $750, and has stated that the delay was unintentional. A terminal disclaimer is not required.

DECISION

For the reasons set forth above, the petition under 37 CFR §1.137(b) is hereby **GRANTED**.

This application is being forwarded to the United States Designated Office/Elected Office (DO/EO/US) for further processing.

Bernarr E. Gregory
Office of PCT Legal Administration

Leonard E. Smith
Supervisory PCT Legal Examiner
Office of PCT Legal Administration

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NOV 2 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Claude DEHENNAU, et al	:	
Application No. 11/629,011	:	DECISION ON PETITION
Filed: December 6, 2006	:	TO WITHDRAW
Attorney Docket No. FRIT-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 3, 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 Michael S. Neustel 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 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).

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: CLAUDE DEHENNAU
CHEMIN DE POSTES,
236 B-1410 WATERLOO
BELGIUM

cc: EGEPLAST WERNER STRUMANN
GMBH & CO. KG
ROBERT-BOSCH-STRASSE 7
GREVEN D-48268
GERMANY

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15 OCT 2007

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

In re Application of	:	
MASCART, Françoise et al.	:	
Application No.: 11/629,030	:	DECISION ON
PCT No.: PCT/EP2005/006088	:	
Int. Filing Date: 06 June 2005	:	PETITION
Priority Date: 08 June 2004	:	
Docket No.: DECLE35.006APC	:	UNDER 37 CFR 1.181
For: METHOD FOR DETECTING ANTI-TRANSGLUTAMINASE ANTIBODIES	:	

This decision is in response to Applicant's "Response to Notification of Missing Requirements," filed in the above-captioned application on 01 May 2007. It has been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 08 December 2006, applicants supplied a transmittal letter for entry into the national phase in the United States, accompanied by, *inter alia*, the basic national fee. Applicants had supplied a declaration for the United States under PCT Rule 26*ter* during the international phase.

On 26 April 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the oath or declaration of the inventors did not comply with 37 CFR 1.497(a)-(b), as it did not identify the application to which it was directed. It set a TWO (2) MONTH extendable period for response.

On 01 May 2007, applicants resubmitted the declaration and filed this petition to vacate the Notification of Missing Requirements.

DISCUSSION

Applicants supplied a declaration within the time limit of PCT Rule 26*ter*, but it did not comply with PCT Rule 26*ter*. The declaration that applicants furnished is the one for use when the declaration is being filed with the international application. The declaration reads "this declaration is directed to the international application of which it forms a part (if filing the declaration with application)." Had applicants used the version of the declaration for filing under PCT Rule 26*ter*, it would have had a blank for listing the international application number. See Administrative Instruction §214 (a). A proper PCT Rule 4.17(iv) declaration complies with 37 CFR 1.497(a)-(b), but this declaration does not comply. It failed to identify the international application to which it was directed.

CONCLUSION

For the reasons discussed above, applicants' petition under 37 CFR 1.181 to vacate the Notification of Missing Requirements (Form PCT/DO/EO/905) is **DISMISSED**.

An oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the fee for late submission of the search fee, examination fee or oath or declaration are required within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available. Failure to timely reply will result in the abandonment of this application.

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

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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27 OCT 2008

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Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston, MA 02205

In re Application of
RITCHIE, Alexander F.
U.S. Application No.: 11/629,032
PCT No.: PCT/GB05/02275
Int. Filing Date: 09 June 2005
Priority Date: 09 June 2004
Attorney Docket No.: 66945(50024)
For: LIFTING APPARATUS

: DECISION ON PETITION
: UNDER 37 CFR 1.47(b)

This decision is in response to applicant's "Petition under 37 CFR 1.47(b)" filed 16 June 2008 to accept the application without the signature of the sole inventor, Alexander F. Ritchie. The $200 petition fee has been submitted.

BACKGROUND

On 09 June 2005, applicant filed international application PCT/GB05/02275 which claimed a priority date of 09 June 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 December 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 09 December 2006.

On 08 December 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment; and a copy of the international application.

On 14 January 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 16 June 2008, applicant filed a petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17; (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the nonsigning inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. The 37 CFR 1.47(b) applicant has satisfied the requirements of items (1); (3); (5) and (6). However, items (2) and (4) and have not been satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made." Here, the evidence submitted by applicants to demonstrate that the nonsigning inventor has been presented with a copy of the application and refused to sign is contained in the declaration of Jamie Allan, and the exhibits thereto. However, this declaration states that the person who forwarded a copy of the application papers to the nonsigning inventor was Robert Orr of Kennedys Patent. Jamie Allan's declaration fails to include statement that he/she sent Mr. Ritchie a complete copy of the application papers.

Under these circumstances, a statement from Robert Orr is required before item (2) can be considered satisfied. Mr. Orr's statement must confirm that he forwarded the application papers to the inventor.

Regarding item (4), the petition was not accompanied by an oath or declaration in compliance with 37 CFR 1.497 that is executed by 37 CFR 1.47(b) applicant Envireneer R&D Limited on behalf of and as agent for the nonsigning inventor. Item (4) is therefore not satisfied.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Alexander F. Ritchie under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
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19 DEC 2008

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Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston, MA 02205

In re Application of: RITCHIE, Alexander F.
U.S. Application No.: 11/629,032
PCT No.: PCT/GB05/02275
Int. Filing Date: 09 June 2005
Priority Date: 09 June 2004
Attorney Docket No.: 66945(50024)
For: LIFTING APPARATUS

DECISION ON PETITION
UNDER 37 CFR 1.47(b)

In decisions mailed by this Office on 27 October 2008, petitioner's petition under 37 CFR 1.47(b) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, petitioner had not submitted adequate evidence that the nonsigning inventor had received a copy of the complete application papers and refused to execute application, and an adequate showing that the 37 CFR 1.47(b) applicant has a proprietary interest in the present application.

On 10 December 2008, petitioner filed the renewed petition considered herein. The renewed petition is accompanied by a statement from Robert Orr, with supporting documents, which provides an acceptable showing that the non-signing inventor has been provided with a copy of the present application and the declaration, and that the inventor has refused to sign the declaration. Additionally, the renewed petition includes an acceptable declaration executed by the 37 CFR 1.47(b) applicant Envireneer R&D Limited on behalf of the non-signing inventor.

The renewed petition under 37 CFR 1.47(b) is **GRANTED**. The application is accepted without the signature of nonsigning inventor Alexander F. Ritchie.

A notice of the acceptance of the application under 37 CFR 1.47(b) will be published in the Official Gazette, and a letter informing the nonsigning inventor of the application will be forwarded to the inventor's last-known address, as set forth in the renewed petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 10 December 2008.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
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19 DEC 2008

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Alexander F. Ritchie
Rogart
36 West Church Street
Buckle
Moray AB56 1HL
United Kingdom

In re Application of:
RITCHIE, Alexander F.
U.S. Application No.: 11/629,032
PCT No.: PCT/GB05/02275
Int. Filing Date: 09 June 2005
Priority Date: 09 June 2004
Attorney Docket No.: 66945(50024)
For: LIFTING APPARATUS

Dear Alexander F. Ritchie:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Anthony Smith
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Counsel of Record:
Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston, MA 02205

23 JAN 2007

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Ronald J. Shore
Antonelli, Terry, Stout & Kraus, LLP
1300 N. Seventeenth Street, Suite 1800
Arlington, VA 22209

In re Application of: Mitsuo Shibutani et al.
Application No.: 11/629,051
PCT Application No.: PCT/JP04/018903
Int. Filing Date: 17 December 2004
Priority Date Claimed: 10 June 2004
Attorney Docket No.: 512.46875X00
For: Ethylene-Vinyl Alcohol Copolymer and Molded Article Thereof.

: DECISION ON PETITION
: UNDER 37 CFR1.182.

This is in response to the petition under 37 CFR 1.182 filed 08 December 2006, requesting the order of inventors' names on the Declaration filed 08 December 2006, be changed to that of Application Data Sheet filed the same day.

The appropriate petition fee of $400.00 required under 37 CFR 1.17(f) has been paid.

The petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 17 December 2004 and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 08 December 2006.

The application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

Taofiq A. Solola, PhD. JD.
PCT Legal Administration
Telephone: 571-272-6095

BryanLin for
Leonard Smith
Supervisory PCT Legal Examiner
Office of PCT Legal Administration

United States Patent and Trademark Office

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09 JAN 2007

FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK NY 10112

In re Application of :
Woo et al. :
Application No.: 11/629,086 :
PCT No.: PCT/KR05/01763 :
Int. Filing Date: 10 June 2005 : DECISION
Priority Date: 11 June 2004 :
Attorney Docket No.: 03734.000020 :
For: Composition Comprising Ginsenosides For Treating :
Or Preventing Angiostenosis And Restenosis :

This is in response to the declaration filed on 11 December 2006.

BACKGROUND

This international application was filed on 10 June 2005, claimed an earlier priority date of 11 June 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 22 December 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 11 December 2006. Applicant filed *inter alia* the basic national fee on 11 December 2006.

DISCUSSION

Inspection of the declaration of the inventors filed on 11 December 2006 reveals that it does not name one of the joint inventors, Tae-Hyung JO, who is nominated in the published international application. The papers filed on 11 December 2006 include a copy of a communication from Atty. Kyu Pal Choi to the International Bureau (IB) which requests that the IB "delete JO, Tae-Hyung." However, the record does not include a showing (such as a copy of Form PCT/IB/306) showing that this change was actually recorded pursuant to PCT Rule 92*bis*. Nor does the application file include a request for relief pursuant to 37 CFR 1.497(d). Although the USPTO received the copy of the letter to the IB prior to the expiration of 30 months from the priority date, PCT Rule 92bis.1(a) specifically provides that

> The International Bureau shall, on the request of the applicant or the receiving Office, record changes in the following indications appearing in the request or demand

Since the USPTO was not the receiving Office for this international application, the USPTO would have lacked standing to request that the IB record the change. For these reasons, it would not be appropriate to accept the declaration filed on 11 December 2006 on the basis of the present record.

CONCLUSION

The declaration filed on 11 December 2006 **NOT ACCEPTED**, without prejudice.

This application is being returned to the National Stage Processing Branch for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an executed oath or declaration compliant with the requirements of 37 CFR 1.497(a) and (b), along with a surcharge under 37 CFR 1.492(h).

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2 5 JUL 2008

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NEW YORK NY 10112

In re Application of :
Woo et al. :
Application No.: 11/629,086 :
PCT No.: PCT/KR05/01763 :
Int. Filing Date: 10 June 2005 : DECISION
Priority Date: 11 June 2004 :
Attorney Docket No.: 03734.000020 :
For: Composition Comprising Ginsenosides For Treating :
Or Preventing Angiostenosis And Restenosis :

This is in response to the correspondence filed on 20 April 2007 and 13 November 2007.

DISCUSSION

In a Decision mailed on 09 January 2007, the declaration filed on 11 December 2006 was not accepted, without prejudice, because

> Inspection of the declaration of the inventors filed on 11 December 2006 reveals that it does not name one of the joint inventors, Tae-Hyung JO, who is nominated in the published international application. The papers filed on 11 December 2006 include a copy of a communication from Atty. Kyu Pal Choi to the International Bureau (IB) which requests that the IB "delete JO, Tae-Hyung." However, the record does not include a showing (such as a copy of Form PCT/IB/306) showing that this change was actually recorded pursuant to PCT Rule 92*bis*. Nor does the application file include a request for relief pursuant to 37 CFR 1.497(d). Although the USPTO received the copy of the letter to the IB prior to the expiration of 30 months from the priority date, PCT Rule 92bis.1(a) specifically provides that
>
> *The International Bureau shall, on the request of the applicant or the receiving Office, record changes in the following indications appearing in the request or demand*
>
> Since the USPTO was not the receiving Office for this international application, the USPTO would have lacked standing to request that the IB record the change. For these reasons, it would not be appropriate to accept the declaration filed on 11 December 2006 on the basis of the present record.

In response, counsel has provided a copy of Form PCT/IB/306 showing that applicant/inventor JO, Tae-Hyung was "deleted from the records" pursuant to Rule 92*bis* during the international phase. In view of this showing, the inventive entity nominated in the declaration filed on 11 December 2006 matches the inventive entity of record in the international application. As such, it would now be appropriate to accept said declaration.

DECISION

The declaration filed on 11 December 2006 **ACCEPTED** for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being returned to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **11 December 2006**.

/George Dombroske/
George Dombroske
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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Toshiyuki Yoshida	: DECISION ON REQUEST FOR
Patent Number	: 7616388	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/629,121	: 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 **379** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT and TRADEMARK OFFICE

24 APR 2009

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TOPE-MCKAY & ASSOCIATES
23852 PACIFIC COAST HIGHWAY #311
MALIBU CA 90265

In re Application of	:	DECISION ON
KRAMMER, Alexander	:	
Application No.: 11/629,161	:	
PCT No.: PCT/EP05/006216	:	
Int. Filing Date: 09 June 2005	:	PETITION UNDER
Priority Date: 09 June 2004	:	
Attorney's Docket No.: KRAMER001	:	
For: METHOD FOR THE CONSTRUCTION	:	
OF A CROSS-LINKED SYSTEM	:	37 CFR 1.137(b)

This decision is in response to applicant's "Petition For Revival Of An Application Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 06 January 2009.

BACKGROUND

On 09 June 2005, this international application was filed, claiming an earliest priority date of 09 June 2004.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 09 December 2006. This international application became abandoned with respect to the United States at midnight on 09 December 2006 for failure to pay the required basic national fee.

On 09 December 2006, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the copy of the international application. However, the national basic fee and executed declaration were not provided at such time.

On 06 July 2007, the United States Patent and Trademark Office mailed the Notification of Abandonment (PCT/DO/EO/909) since the applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

On 06 January 2009, applicant filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee and the basic national fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
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Suite 400 East
Washington DC 20005-1503

MAILED

OCT 08 2009

OFFICE OF PETITIONS

In re Application of	:	
Tetsuji Mochida, et al.	:	
Application No. 11/629,164	:	DECISION GRANTING PETITION
Filed: December 22, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2006_2018A	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 6, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 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 Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2111 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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JUL 12 2007

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Martin D. Moynihan
PRTSI
P.O.Box 16446
Arlington VA 22215

In re Application of	:
Yoram Reiter et al	:
Serial No.: 11/629,194	: PETITION DECISION
Filed: December 11, 2006	:
Attorney Docket No.: 33145	:

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2). The petition was filed December 11, 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

19 DEC 2007

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PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY 12TH FLOOR
NEW YORK NY 10036

In re Application of	:	
ADAM et al.	:	
Application No.: 11/629,199	:	DECISION ON
PCT No.: PCT/IL2005/000622	:	
Int. Filing Date: 14 June 2005	:	PETITION UNDER
Priority Date: 14 June 2004	:	
Attorney Docket No.: P-9403-US	:	37 CFR 1.497(d)
For: TRANSACTION SYSTEM AND METHOD	:	

This decision is in response to applicants' petition under 37 CFR 1.497(d) filed in the United States Patent and Trademark Office (USPTO) on 13 November 2007.

BACKGROUND

On 14 June 2005, applicant filed international application PCT/IL2005/000622 which designated the U.S. and claimed a priority date of 14 June 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 22 December 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 December 2006.

On 12 December 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee.

On 10 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 30 July 2007, applicants filed the instant petition under 37 CFR 1.497(d). The petition was accompanied by a declaration of inventors, a statement of Yael Zaks, and a statement of Shmuel Zaks.

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a

change to the inventive entity has been effected under PCT Rule 92*bis* subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in Sec. 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and

(4) Any new oath or declaration required by paragraph (f) of this section.

Item (1) has been satisfied.

As to item (2), the petition fee of $130 has been charged to Deposit Account 50-3355.

Item (3) has not been satisfied. No mention is made in the petition regarding whether an assignment has been executed. If an assignment has been executed, the written consent of the assignee is required. See MPEP § 324 for a proper showing under 37 CFR 3.73(b).

As to item (4), a new declaration is not required by 37 CFR 1.497(f) in the instant situation.

Declaration of Inventors

The declaration filed with the petition is an improper composite declaration, consisting of one of Page 1, one of Page 2, and two of Page 3. Each inventor must be presented with a complete declaration which lists all of the inventors, and the signature of each inventor must appear on at least one complete declaration. Multiple complete declarations may be submitted, but it is not permissible to combine pages of separate documents.

CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED** without prejudice for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. A proper reply must include a proper declaration or declarations in compliance with 37 CFR 1.497(a)-(b). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
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17 MAR 2008

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PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY 12TH FLOOR
NEW YORK NY 10036

In re Application of	:	
ADAM et al.	:	
Application No.: 11/629,199	:	DECISION ON
PCT No.: PCT/IL2005/000622	:	
Int. Filing Date: 14 June 2005	:	PETITION UNDER
Priority Date: 14 June 2004	:	
Attorney Docket No.: P-9403-US	:	37 CFR 1.497(d)
For: TRANSACTION SYSTEM AND METHOD	:	

This decision is in response to applicants' renewed petition under 37 CFR 1.497(d) filed in the United States Patent and Trademark Office (USPTO) on 18 February 2008.

BACKGROUND

On 14 June 2005, applicant filed international application PCT/IL2005/000622 which designated the U.S. and claimed a priority date of 14 June 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 22 December 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 December 2006.

On 12 December 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee.

On 10 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 30 July 2007, applicants filed a petition under 37 CFR 1.497(d). The petition was accompanied by a declaration of inventors, a statement of Yael Zaks, and a statement of Shmuel Zaks.

On 19 December 2007, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.497(d). Specifically, it was noted that no mention was made regarding an assignment and that if an assignment had been executed, the written consent of the assignee would be required. The decision also noted that the declaration of inventors filed 13 November

2007 was an improper composite declaration and that a new declaration or declarations of the inventors was required.

On 18 February 2008, applicants filed the instant renewed petition under 37 CFR 1.497(d) which was accompanied by three declarations of the inventors.

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92*bis* subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

As noted in the decision mailed 19 December 2007, items (1) and (2) have been satisfied and item (3) was not required.

The statement in the renewed petition that no assignment has been executed satisfies item (3).

Declarations of Inventors

The declaration of inventors filed 18 February 2008 signed by Kfir ADAM is not sufficient because it names Shmuel ZAKS as an inventor rather than Yael ZAKS.

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

A proper response (a declaration listing all inventors and signed by Kfir ADAM and otherwise in compliance with 37 CFR 1.497(a)-(b)) must be filed within a time limit of **ONE MONTH** from the date of this decision or within the time remaining in the response set forth in the decision mailed 19 December 2007, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the decision mailed 19 December 2007 may be extended under 37 CFR 1.136(a).

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

/Daniel Stemmer/

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Legal Examiner
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07 JUL 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY 12TH FLOOR
NEW YORK NY 10036

In re Application of	:	
ADAM et al.	:	
Application No.: 11/629,199	:	NOTIFICATION
PCT No.: PCT/IL2005/000622	:	
Int. Filing Date: 14 June 2005	:	
Priority Date: 14 June 2004	:	
Attorney Docket No.: P-9403-US	:	
For: TRANSACTION SYSTEM AND METHOD	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 15 April 2008.

BACKGROUND

On 14 June 2005, applicant filed international application PCT/IL2005/000622 which designated the U.S. and claimed a priority date of 14 June 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 22 December 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 December 2006.

On 12 December 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee.

On 10 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 30 July 2007, applicants filed a petition under 37 CFR 1.497(d). The petition was accompanied by a declaration of inventors, a statement of Yael Zaks, and a statement of Shmuel Zaks.

On 19 December 2007, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.497(d). Specifically, it was noted that no mention was made regarding an assignment and that if an assignment had been executed, the written consent of the assignee would be required. The decision also noted that the declaration of inventors filed 13 November

2007 was an improper composite declaration and that a new declaration or declarations of the inventors was required.

On 18 February 2008, applicants filed a renewed petition under 37 CFR 1.497(d) which was accompanied by three declarations of the inventors.

On 17 March 2008, a decision was mailed granting applicants' petition under 37 CFR 1.497(d). However, the decision noted that the declaration of inventors filed 18 February 2008 signed by Kfir ADAM was not sufficient because it named Shmuel ZAKS as an inventor rather than Yael ZAKS.

On 15 April 2008, applicants filed the instant submission which was accompanied by a declaration of inventors.

DISCUSSION

The declaration of inventors signed by Kfir Adam filed 15 April 2008 is sufficient. The declarations of inventors signed by the inventors other than Kfir Adam filed 18 February 2008 are also sufficient.

The published international application lists Gavriel Eichenvald as an inventor while the declarations of inventors filed 18 February 2008 and 15 April 2008 list Gavriel Eichenwald. The difference in names is presumed to be a typographical error in the international application. (If this interpretation is incorrect, applicants are required to provide a written notification of this fact to the Office of PCT Legal Administration *immediately*.)

CONCLUSION

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision including processing the application in the name of Kfir Adam, Gavriel Eichenwald, Yael Zaks, and Dan Matalon as inventors and according the application a 35 U.S.C. §§ 371(c)(1), (c)(2), and (c)(4) date of 15 April 2008.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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July 19, 2010

Patent No. : 7,714,021 B2
Appl. No. : 11/629,209
Inventor(s) : Craig A. Coburn
Issued : May 11, 2010
Title : **PYRROLIDIN-3-YL COMPOUNDS USEFUL AS BETA-SECRETASE INHIBITORS FOR THE TREATMENT OF ALZHEIMER'S DISEASE**
Docket No. : **21663YP**

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 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

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

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

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

MERCK
P O BOX 2000
RAHWAY NJ 07065-0907

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

Mail Date: 04/20/2010

Applicant	: Yuki Shiota	: DECISION ON REQUEST FOR
Patent Number	: 7651823	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/629,210	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/03/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **200** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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01 APR 2008

Christopher B. Linder
Thomas, Kayden, Horstemeyer & Risley
100 Galleria Pkwy., NW
Suite 1750
Atlanta GA 30339-5948

In re Application of :
MARDER et al. :
Application No.: 11/629,262 : DECISION ON PETITION
PCT No.: PCT/US05/20998 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 14 June 2005 :
Priority Date: 14 June 2004 :
Attorney Docket No.: 062012-1270 :
For: CHARGE TRANSPORT MATERIALS, METHODS OF FABRICATION THEREOF, AND METHODS OF USE THEREOF

The petition to revive under 37 CFR 1.137(b) filed 06 February 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have submitted an executed declaration and power of attorney and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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

0 1 FEB 2008

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Christopher B. Linder
Thomas, Kayden, Horstemeyer & Risley
100 Galleria Pkwy., NW
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Atlanta GA 30339-5948

In re Application of MARDER et al. Serial No.: 11/629,273 PCT App. No.: PCT/US05/20815 Int'l Filing Date: 14 June 2005 Priority Date: 14 June 2004 Attorney Docket No.: 062012-1290 For: PERYLENE CHARGE-TRANSPORT MATERIALS, METHODS OF FABRICATION THEREOF....	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This is a decision on applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)", filed on 23 January 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 12 December 2006, within the thirty month period, applicant filed a Transmittal Letter (Form PTO 1390) requesting entry into the U.S. national stage and paid the basic national fee as required by 35 U.S.C. 371(c).

On 01 May 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required. Applicant was given a two month period within which to respond. Extensions of time were available.

On 23 January 2007, applicant filed a petition to revive along with the petition fee and the surcharge for filing the declaration after the thirty month period.

DISCUSSION

A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper response unless it has been previously submitted, (2) the fee required by law for revival of an unintentionally abandoned application (1.17(m)), and (3) a statement that the "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional".

With respect to Item (2),the required petition fee of $770 has also been paid. With respect to Item (3), applicant's statement that "the entire delay in filing the fees from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

With regard to Item (1), a review of the application file reveals that the proper reply, an executed declaration, in compliance with 37 CFR 1.497(a) and (b), was not provided.

A review of the declaration reveals that the execution of the declaration by inventors An, Barlow and Kippelen have been altered. The USPTO does not accept a declaration that has been altered. Section 602.01 of the MPEP states the following:

> The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly subscribed to, a new oath or declaration must be required....

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether non-initialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. Thus, the proper reply, a declaration in compliance with 37 CFR 1.497(a) and (b), has not been submitted. Thus, the petition to revive must be dismissed at this time.

A new acceptable oath or declaration executed by the inventors An, Barlow and Kippelen, in compliance with 37 CFR 1.497(a) and (b) and 1.63, is required to satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

CONCLUSION

For the reasons stated above, the petition to revive under 37 CFR 1.137(b) filed 23 January 2008 in the above-captioned application is **DISMISSED WITHOUT PREJUDICE**. The application remains **ABANDONED**.

A new acceptable oath or declaration executed by the inventors An, Barlow and Kippelen , in compliance with 37 CFR 1.497(a) and (b) and 1.63, is required to satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

Any request for reconsideration on the merits of this decision must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)". No additional petition fee is required.

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

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286
Facsimile: 571-273-0459

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0 8 APR 2008

Christopher B. Linder
Thomas, Kayden, Horstemeyer & Risley
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Suite 1750
Atlanta GA 30339-5948

In re Application of
MARDER et al.
Serial No.: 11/629,273
PCT App. No.: PCT/US05/20815
Int'l Filing Date: 14 June 2005
Priority Date: 14 June 2004
Attorney Docket No.: 062012-1290
For: PERYLENE CHARGE-TRANSPORT MATERIALS, METHODS OF FABRICATION THEREOF....

DECISION ON RENEWED PETITION UNDER 37 CFR 1.137(b)

This is a decision on applicant's "Renewed Petition Under 37 CFR 1.137(b)", filed on 20 March 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 01 May 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required. Applicant was given a two month period within which to respond. Extensions of time were available.

On 23 January 2007, applicant filed a petition to revive along with the petition fee and the surcharge for filing the declaration after the thirty month period. On 01 February 2008, a decision dismissing the petition was mailed indicating that Petitioner had not provided the proper reply, the executed declaration, in compliance with 37 CFR 1.497(a) and (b). The declaration which was submitted contained unacceptable alterations.

DISCUSSION

As previously stated, a petition under 37 CFR 1.137(b) must be accompanied by (1) a proper response unless it has been previously submitted, (2) the fee required by law for revival of an unintentionally abandoned application (1.17(m)), and (3) a statement that the "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional".

Petitioner previously satisfied Items (2) and (3). With respect to Item (1), Petitioner has now provided a newly executed declaration, which is in compliance with 37 CFR 1.497(a) and (b). Thus, the proper reply, a declaration in compliance with 37 CFR 1.497(a) and (b), has been submitted. Thus, the

petition to revive is hereby GRANTED.

CONCLUSION

For the reasons stated above, the renewed petition to revive under 37 CFR 1.137(b) filed 20 March 2008 in the above-captioned application is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **20 March 2008.**

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286
Facsimile: 571-273-0459

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KILPATRICK STOCKTON LLP -
41305
CHARLES CALKINS
1001 WEST FOURTH STREET
WINSTON-SALEM NC 27101

MAILED

JUL 14 2010

OFFICE OF PETITIONS

In re Application of :
Mjalli et al. :
Application No. 11/629,437 : ON APPLICATION FOR
Filed: April 12, 2007 : PATENT TERM ADJUSTMENT
Docket No. TTP 2004-04-US-B :

This is in response to the PETITION REGARDING PATENT TERM ADJUSTMENT (PTA) INDICATED IN NOTICE OF ALLOWANCE, filed June 21, 2010. The petition will be treated under 37 C.F.R. 1.705(b). Applicants submit that the correct patent term adjustment to be indicated on the patent is three hundred thirty-nine (339) days, not two hundred sixty-two (262) [1] days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

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

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). This is true even where a

[1] Applicants are informed that the calculation of delay pursuant to 37 CFR 1.702(b) is based on a national stage commencement date of February 5, 2007, not February 3, 2007. As the expiration of the 30-month period pursuant to 35 U.S.C. 371(b) fell on a Saturday, the period expired on the subsequent business day. *See* PCT Rule 80.5.

request for continued examination (RCE) was filed. The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

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

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee[2].

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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AUG 27 2007

OFFICE OF PETITIONS

In re Application of :
David Rofeh :
Application No. 11/629,451 : DECISION ON PETITION
Filed: :
Attorney Docket No. 27793-00121USPX :

This is a decision on the petition under 37 CFR 1.182, filed, April 5, 2007, to change the name of inventor "David Raouf" to – David Rofeh --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

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

Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

Irvin Dingle
Petition Examiner
Office of Petitions

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

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JUN 09 2009

OFFICE OF PETITIONS

Applicant: Albero, et al.
Appl. No.: 11/629,522
International Filing Date: June 13, 2005
Title: PYRIDAZIN-3(2H)-ONE DERIVATIVES AND THEIR USE AS PDE4 INHIBITORS
Attorney Docket: 09605.0025
Pub. No.: US 2008/0280918 A1
Pub. Date: November 13, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 13, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein one of the inventor's middle name "Gracia" is misprinted as "Garcia" and the phrase "dermatitis" is misprinted as "dermatilis" in the abstract.

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 on the front page of the publication wherein "Gracia" in the inventor's middle name and "dermatitis" in the abstract are misprinted may be Office errors, but they are not material Office error under 37 CFR 1.221. The misspelling of the middle name of an inventor and the typographical error in the abstract do not affect the understanding of the application. The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine

[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 scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

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

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

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

30 APR 2007

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02292
BIRCH STEWART KOLASCH & BIRCH
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of :
LEE, Chun Ja :
Application No.: 11/629,534 :
PCT No.: PCT/KR2005/001835 :
Int. Filing Date: 15 June 2005 :
Priority Date: 15 June 2004 : **DECISION**
Attorney's Docket No.: 4720-0116PUS1 :
For: MAKING PROCESS OF EXTRACT CONTAINING INGREDIENTS OF A RADISH AND A PUMPKIN, AND MAKING PROCESS OF GRANULES AND PILLS BY USING THE EXTRACT :

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 14 December 2006, applicants filed papers to enter the national stage of PCT/KR2005/001835 using docket number 4720-0116PUS1 which was accompanied by, *inter alia*, an executed declaration, a check of $750.00 and authorization to charge any additional fees or credit any fees to Deposit Account No. 02-2448. This application was given U.S. application number 11/629,534.

On 15 December 2006, a duplicate national stage application for PCT/KR2005/001835 using docket number Q98910 was filed by another firm at the address at the bottom of this correspondence. The U.S. application number was denoted as 11/629,615.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application PCT/KR2005/001835. The end result for an international application designating the United States of America is a single U.S. national stage application. The undersigned contacted the attorney who filed the papers in U.S. application number 11/629,615 who verified that the national stage filing was a result of a misunderstanding with his client and was not authorized.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for PCT/KR2005/001835.

Applicants are advised that U.S. application No. 11/629,615 is no longer a valid U.S. National stage application. The fees paid in U.S. application No. 11/629,615 have been credited back to Deposit Account No. 19-4880.

Applicants must use only U.S. application No. **11/629,534** for all correspondence to the national stage application of PCT/KR2005/001835.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

cc: SUGHRUE MION PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Peter Eisner	: DECISION ON REQUEST FOR
Patent Number	: 7591376	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/629,539	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

0 8 JAN 2007

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MCCARTER & ENGLISH LLP
CITYPLACE I
185 ASYLUM STREET
HARTFORD CT 06103

In re Application of	:	
BECKER et al.	:	
Application No.: 11/629,569	:	DECISION ON
PCT No.: PCT/DE2004/001966	:	
Int. Filing Date: 03 September 2004	:	PETITION UNDER
Priority Date: 08 September 2003	:	
Attorney Docket No.: 100143.00037	:	37 CFR 1.137(b)
For: ADJUSTER DEVICE FOR SETTING A FIRST	:	
PART OF A SEAT RELATIVE TO A SECOND PART	:	

This decision is in response to applicants' submission filed 14 December 2006.

BACKGROUND

On 03 September 2004, applicant filed international application PCT/DE2004/001966 which designated the U.S. and claimed a priority date of 08 September 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 24 March 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 March 2006.

On 14 December 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, a declaration of the inventors, an English language translation of the international application, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

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

As to item (1), applicant submitted the basic national fee on 14 December 2006.

As to item (2), applicant submitted the petition fee on 14 December 2006.

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

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

Declaration of Inventors

The declaration of the inventors filed 14 December 2006 is in compliance with 37 CFR 1.497(a)-(b). The surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage has been charged to Deposit Account 50-3569.

English Translation

The processing fee under 37 CFR 1.492(i) for providing the English translation after the date of the commencement of the national stage has also been charged to Deposit Account 50-3569.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

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

01/08/2007 SBASHEIR 00000001 503569 11629569
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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 05/06/2010

Applicant	: Ralf Bode	: DECISION ON REQUEST FOR
Patent Number	: 7646128	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/629,570	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

23 FEB 2007

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Aaron R. Ettelman
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P.O. Box 2207
Wilmington, Delaware 19899

In re Application of:
ORLICH, Bernhard, et al.
U.S. Application No.: 11/629,598
PCT Application No.: PCT/EP2004/006464
International Filing Date: 16 June 2004
Priority Date: None
Attorney's Docket No.: 13744-00033-US
For: TARGETED GRANULATION ACHIEVED BY NEUTRALISATION IN A COMPOMIX-TYPE MACHINE

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182" filed 15 February 2007, which seeks to correct the international application number on the national stage application papers filed 14 December 2006 so as to allow such materials to be treated as the U.S national stage of PCT/EP2004/006464. Deposit Account No. 03-2775 will be charged the required $400 petition fee.

BACKGROUND

On 16 June 2004, applicants filed international application PCT/EP2004/006464. The international application did not claim an earlier priority date, and it designated the United States. On 29 December 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 16 December 2006.

On 14 December 2006, applicants filed papers to initiate a U.S. national stage application. This submission included, among other materials, a Transmittal Letter (Form PTO-1390), an Application Data Sheet (ADS), a preliminary amendment, a translation of the international application into English, and the authorization to charge applicants' Deposit Account for required fees, including the basic national fee.

The Transmittal Letter and the ADS filed 14 December 2006 both requested entry into the U.S. national stage for international application PCT/EP2005/006464. However, the preliminary amendment and the English translation both referred to international application PCT/EP2004/006464.

On 15 February 2007, applicants filed the "Petition Under 37 CFR 1.182" considered herein, with accompanying materials, to correct the contradiction in the 14 December 2006 submission.

DISCUSSION

As noted above, the Transmittal Letter and ADS filed 14 December 2006 incorrectly identified the international application to which the submission was directed. Correction of this error is required before the materials filed 14 December 2006 can be treated as having been directed to international application PCT/EP2004/006464, as necessary to avoid abandonment of the international application with respect to the United States.

In the present petition, applicant confirms that the listing of international application PCT/EP2005/006464 in the Transmittal Letter and ADS filed 14 December 2006 was the result of a typographical error, and that the correct international application is PCT/EP2004/006464. The petition also notes that the correct international application number was listed on the preliminary amendment filed 14 December 2006, and it is accompanied by payment of the required petition fee and a corrected ADS that properly identifies the application as the national stage of PCT/EP2004/006464. These materials satisfy the requirements for a grantable petition to correct the typographical errors in the application materials filed 14 December 2006 and to permit such materials to be treated as having been directed to international application PCT/EP2004/006464.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to have the national stage application materials filed 14 December 2006 treated as the national stage of international application PCT/EP2004/006464 is **GRANTED**.

Deposit Account No. 03-2775 will be charged the required $400 petition fee.

The materials filed 14 December 2006 have been assigned U.S. application number 11/629,598, and will be treated as the national stage of PCT/EP2004/006464.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

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

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Morrison & Foerster, LLP
12531 High Bluff Drive
Suite 100
San Diego, CA 92130-2040

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MAY 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Ahmed Mohammed Jehanli	:	
Application No. 11/629,603	:	DECISION ON PETITION
Filed: November 21, 2007	:	TO WITHDRAW
Attorney Docket No. 255352002500	:	FROM RECORD
	:	

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, 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 25225 have been revoked by the assignee of the patent application on February 3, 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: Swanson & Bratschun L.L.C.
8210 Southpark Terrace
Littleton, CO 80120

06 APR 2009

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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of	:	
POMPER, et al.	:	
Application No.: 11/629,607	:	DECISION ON PETITION
PCT No.: PCT/US05/21888	:	
Int. Filing Date: 20 June 2005	:	UNDER 37 CFR 1.181
Priority Date: 18 June 2004	:	
Atty Docket No.: 63546(71699)	:	
For: IMAGING INFECTION WITH COMPOUNDS THAT BIND TO THYMIDINE KINASE	:	

This is a decision on applicant's request for correction of "Notice of Acceptance" as to the date of completion of the 35 U.S.C. 371 requirements filed 08 October 2008 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 13 December 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Application Data Sheet and an Information Disclosure Statement.

On 16 November 2007, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide a signed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

On 16 June 2008, applicant filed an executed declaration of the inventors accompanied by a petition for a five-month extension of time.

On 26 September 2008, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as 06 June 2008.

On 08 October 2008, applicant filed the present petition claiming that the 371 requirements were satisfied on 16 June 2008.

DISCUSSION

A review of the application file finds applicant's declaration was filed on 16 June 2008. As such, it is proper to grant applicant's petition at this time. It is noted that the five-month extension of time fee was not charged to the deposit account as authorized. This fee will be currently be charged.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application has an international filing date of 20 June 2005 under 35 U.S.C. 363 and will be given a date of **16 June 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) mailed 26 September 2008 indicating a date of 06 June 2008 under 35 U.S.C. 371(c) is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above.

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WYETH LLC
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON, NJ 07940

Mail Date: 04/21/2010

Applicant	: Gerald E. Hancock	: DECISION ON REQUEST FOR
Patent Number	: 7666433	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/629,609	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **354** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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16 JUL 2007

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

In re Application of	:	
MIYAMOTO, Yukihiro et al.	:	
Application No.: 11/629,654	:	DECISION
PCT No.: PCT/JP05/10344	:	
Int. Filing Date: 06 June 2005	:	ON SUBMISSION UNDER
Priority Date: 15 June 2004	:	
Attorney's Docket No.: 298525US0PCT	:	37 CFR 1.42
For: Nonaqueous Electrolyte Secondary Battery And Negative Electrode Thereof	:	

This decision is issued in response to applicants' submission on 31 May 2007 of a declaration executed on behalf of deceased co-inventor Masao Miyake by his sole heir and legal representative. Applicants' submission is treated as a petition under 37 CFR 1.42.

BACKGROUND

On 06 June 2005, applicant filed international application PCT/JP05/10344, claiming an earliest priority date of 15 June 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 15 December 2006.

On 15 December 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied, *inter alia*, by the requisite basic national fee.

On 31 May 2007, applicants filed a declaration of the inventors that was executed on behalf of deceased co-inventor Masao Miyake by Etsuko Miyake as sole heir and legal representative.

DISCUSSION

When an inventor has deceased, 37 CFR 1.42 permits the legal representative (executor, administrator, etc.) of the deceased inventor to execute the necessary oath or declaration and, apply for and obtain a patent.

With respect to the legal representative, MPEP 409.01(a) states that where no legal representative has been appointed or is required to be appointed by law, the application for a patent may also be made by all of the heirs of the deceased. Further, MPEP 409.01(a) states that the heirs need to identify themselves as legal representative of the deceased inventor.

37 CFR 1.497(b)(2) states:

> If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that (1) the person is a legal representative and the (2) citizenship, (3) residence and (4) mailing address of the legal representative (underlining added).

A review of the declaration filed 31 May 2007 shows that Etsuko Miyake has executed the declaration as sole heir and legal representative for deceased co-inventor Masao Miyake and has provided the statement required under item (1). Also provided is the citizenship of deceased co-inventor Masao Miyake.

With regard to items (2)-(4), the residence, mailing address and citizenship of the person signing on behalf of deceased co-inventor Masao Miyake has been provided in the declaration executed by Etsuko Miyake, sole heir and legal representative for deceased co-inventor Masao Miyake.

The declaration filed 31 May 2007 is deemed acceptable under 37 CFR 1.497 (a)-(b).

CONCLUSION

Applicants' declaration filed 31 May 2007 under 37 CFR 1.42 is **ACCEPTED.**

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

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

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2 4 SEP 2008

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JONES DAY
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NEW YORK NY 10017

In re Application of
Sullivan et al.
Application No.: 11/629,686
PCT No.: PCT/US2005/021171
Int. Filing Date: 14 June 2005
Priority Date: 14 June 2004
Attorney Docket No.: 4821-546-999
For: Methods Of Using Albuterol And Calcium Activated Potassium Channel Openers

DECISION

This is in response to the submission under 37 CFR 1.497(d) filed on 04 September 2008.

BACKGROUND

This international application was filed on 14 June 2005, claimed an earliest priority date of 14 June 2004, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 14 December 2006. Applicant filed *inter alia* the basic national fee on 14 December 2006.

On 05 March 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b).

DISCUSSION

Inspection of the declaration filed on 04 September 2008 reveals that it names Anne M. Sullivan, John W. Simon and Yael Schwartz as inventors, instead of Timothy J. Barberich who was nominated as the inventor of the published international application. Counsel requests that Barberich be deleted as an inventor and Sullivan, Simon and Schwartz added as inventors.

A declaration filed under 37 CFR 1.497 (d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (*See* 37 CFR 3.73(b)). *See* Section 201.03 of the Manual of Patent Examining Procedure (M.P.E.P.).

Regarding requirement (1), applicants have provided an appropriate statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part.

Regarding requirement (2), the required processing fee has been paid.

Regarding requirement (3), applicants have presented a "Consent By Assignee..." which identifies Sepracor Inc. as the assignee of the "entire right, title and interest in" the instant application, and consents to the proposed changes in inventorship. The document refers to an "assignment, a copy of which is attached hereto, is being submitted concurrently herewith for recordation." It is signed by Matthew P. Blischak in the capacity of "Vice President & Associate General Counsel," a title which conveys apparent authority to act on behalf of the assignee. Review of the assignment records of the USPTO reveals that an assignment was filed and recorded with respect to this application on 04 September 2008. Therefore, it would be appropriate to consider requirement (3) to have been satisfied at this time.

DECISION

The declaration filed on 04 September 2008 is **ACCEPTED** under 37 CFR 1.497(d).

This application is being forwarded to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **04 September 2008**.

/George Dombroske/
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2 3 SEP 2008

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
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WASHINGTON DC 20001-4413

In re Application of:
MONDET, Jean, et al.
U.S. Application No.: 11/629,704
PCT No.: PCT/EP2005/005801
International Filing Date: 11 May 2005
Priority Date: 17 June 2004
Attorney Docket No.: 05725.1621
For: COMPOSITION CONTAINING A LIQUID FATTY PHASE GELLED WITH A SEMI-CRYSTALLINE COPOLYMER

DECISION ON PETITION

This decision is issued in response to the "Petition To Withdraw Holding Of Abandonment Under 37 CFR 1.181(a)" filed 05 September 2008. No petition fee is required.

BACKGROUND

On 11 May 2005, applicants filed international application PCT/EP2005/005801. The international application claimed a priority date of 17 June 2004, and it designated the United States. On 29 December 2005, the International Bureau (IB) communicated a copy of the international application to the United States patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 17 December 2006.

On 17 December 2006, applicants filed a Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 17 July 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing these materials later than thirty months after the priority date were required.

On 13 August 2008, the DO/EO/US mailed a Notification Of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a response to the Notification Of Missing Requirements.

On 05 September 2008, applicants filed the "Petition To Withdraw Holding Of Abandonment Under 37 CFR 1.181(a)" considered herein. The petition asserts that applicants filed a timely and proper response to the Notification Of Missing Requirements, including an executed declaration, on 17 September 2007, and that the holding of abandonment should therefore be withdrawn.

DISCUSSION

The present petition includes a copy of the materials filed by applicant in response to the Notification Of Missing Requirements (including the executed declaration), as well as a copy of a return postcard that itemizes these materials and bears a USPTO receipt stamp dated 17 September 2007. In addition, USPTO records confirm receipt herein of the $130 surcharge payment on 17 September 2007.

Based on the statements in the present petition, the attached return postcard, and USPTO records regarding payment of the required surcharge, it is concluded that the materials accompanying the present petition, including the executed declaration and surcharge payment, were originally filed herein on 17 September 2007 as a timely response to the Notification Of Missing Requirements mailed 17 July 2007.

The Notification of Abandonment mailed 13 August 2008, based as it was on applicants' purported failure to file a timely response to the Notification Of Missing Requirements, is appropriately vacated.

CONCLUSION

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

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 13 August 2008 is hereby **VACATED**.

The declaration accompanying the present petition is treated as having been originally filed herein on 17 September 2007 as a timely response to the Notification Of Missing Requirements mailed 17 July 2007.

This application is being returned to the National Stage Processing Branch of the Office of PCT operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 17 September 2007.

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Stefan Schafer	: DECISION ON REQUEST FOR
Patent Number	: 7638048	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/629,719	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **142** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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22 JAN 2008

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DAVIS BUJOLD & Daniels, P.L.L.C.
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CONCORD NH 03301

In re Application of SKRYABIN et al.
Application No.: 11/629,723
PCT No.: PCT/AU05/00844
Int. Filing: 15 June 2005
Priority Date: 15 June 2004
Attorney Docket No.: GRIHAC P49AUS
For: PHOTOVOLTAIC MODULE WITH FULL UTILIZATION OF SURFACE AREA

: DECISION ON PETITION
: UNDER 37 CFR 1.47(a)

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 08 November 2007, to accept the application without the signatures of joint inventors, GEORGE PHANI and IGOR SKRYABIN. Applicant's request for a four month extension of time is granted.

BACKGROUND

On 15 December 2006, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 09 May 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) was required.

On 08 November 2007, applicant filed the instant petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signatures of inventors alleging that Mr. Phani and Mr. Skryabin refuse to sign the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

The petition included the requisite petition fee, satisfying Item (1). Item (3) is satisfied because the last known addresses of non-signing inventors were provided. With regard to item

(4), the declaration executed by the available joint inventors on their behalf and on behalf of the non-signing inventors was submitted and satisfies the requirements of 37 CFR 1.47(a).

With respect to Item (2) above, Petitioner provided the statements of Sylvia Medlyn Tulloch regarding George Phani and Igor Skryabin's refusal to sign the application papers. It is noted, however, that Ms. Tulloch does not have personal, firsthand knowledge regarding the presentation of a complete copy of the application papers to the nonsigning inventors or direct knowledge of their refusal to sign the application. *Such statement of firsthand knowledge is required in any renewed petition.*

Refusal to Sign the Application

Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal, states, in pertinent part:

> *A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application* unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or , if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.... *It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

(Emphasis added.)

Regarding non-signing inventor Igor Skryabin, it unclear whether he received a complete copy of the application papers for the application at issue (that is, a copy of the specification, claims and drawings and oath or declaration for this application) for his signature. The statement of Ms. Tulloch makes reference to this application; however, Ms. Tulloch does not have firsthand knowledge of the refusal of the nonsigning inventor. In support of her statement she attaches copies of the letters between attorney for the assignee David John and the attorneys for non-signing inventor (William Szekely and Holding Redlich). None of this correspondence makes any reference to this specific application. Thus, it cannot be concluded that a complete copy of the application papers for this application has been presented to the nonsigning inventor Skryabin and that he refuses to sign *this* application.

With regard to nonsigning inventor George Phani, Ms. Tulloch relies on the correspondence between the attorney for assignee (Griffith Hack) and for the nonsigning inventor. Counsel's letter to the nonsigning inventor Phani dated 10 May 2007 makes clear reference to the instant application (11/629,723) and indicates that a copy of the published international application along with the declaration and assignment documents were enclosed. However, Counsel for the nonsigning inventor (Haywards Solicitors) replied on 24 September 2007. This letter does not make reference to the instant application or the letter of 10 May 2007, which is relied upon for the instant petition. The 24 September 2007 letter responds to correspondence from Griffith Hack dated 2 May 2007 and 4 September 2007. This is insufficient evidence to conclude that the nonsigning inventor refuses to sign the application papers for this application.

In sum, Petitioner has satisfied Items (1), (3) and (4) above. Petitioner has not satisfied Item (2) by demonstrating: (1) a *bona fide* attempt was made to present a copy of the application papers for U.S. application 11/629,723 (specification, including claims, drawings, and declaration) to the nonsigning inventor Skryabin for his signature and (2) that the nonsigning inventors Skryabin and Phani's refusal to sign these documents. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

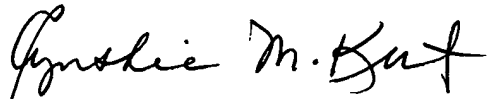
For the reasons set forth above, the evidence submitted does not support a finding that the nonsigning inventors refuse to sign the application at this time. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

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



Cynthia M. Kratz

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22 MAY 2008

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112 PLEASANT STREET
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In re Application of SKRYABIN et al.	:
Application No.: 11/629,723	: DECISION ON
PCT No.: PCT/AU05/00844	:
Int. Filing: 15 June 2005	: RENEWED PETITION
Priority Date: 15 June 2004	:
Attorney Docket No.: GRIHAC P49AUS	:UNDER 37 CFR 1.47(a)
For: PHOTOVOLTAIC MODULE WITH FULL UTILIZATION OF SURFACE AREA	:

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 21 March 2008, to accept the application without the signatures of joint inventors, GEORGE PHANI and IGOR SKRYABIN. On 29 April 2008, applicant filed a declaration executed by previously non-signing inventor IGOR SKRYABIN.

BACKGROUND

On 15 December 2006, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 09 May 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) was required.

On 08 November 2007, applicant filed a petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signatures of inventors alleging that Mr. Phani and Mr. Skryabin refuse to sign the application.

On 22 January 2008, a decision dismissing the petition was mailed, indicating that petitioner had not demonstrated that the non-signing inventors refused to sign the application.

On 21 March 2008, applicant filed the instant renewed petition. On 29 April 2008, applicant filed a petition along with the executed declaration of inventor Skryabin.

DISCUSSION

Regarding previously non-signing inventor Igor Skryabin, Petitioner has now provided a declaration executed by Mr. Skryabin. The declaration is acceptable and is in compliance with 37 CFR 1.497(a) and (b). Thus, the petition under 37 CFR 1.47(a) with regard to inventor Skryabin is dismissed as moot.

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Items (1), (3) and (4) were previously satisfied.

With respect to Item (2) above and nonsigning inventor George Phani, Counsel for applicant provided a copy of the 20 February 2008 letter he sent to Mr. Phani at his last known address, requesting his signature on the declaration. The letter indicates that a complete copy of the application papers were enclosed. According to counsel, Mr. Phani has not responded to this request. However, counsel did not provide any evidence or proof that the letter and its contents were actually delivered to Mr. Phani. There is insufficient evidence at this time to conclude that the nonsigning inventor refuses to sign the application papers for this application without such proof.

Petitioner is reminded that Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal, states, in pertinent part:

> *Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.* When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

(Emphasis added.)

In sum, Petitioner has satisfied Items (1), (3) and (4) above. Petitioner has not satisfied Item (2) above by demonstrating a copy of the application papers for U.S. application 11/629,723 (specification, including claims, drawings, and declaration) were presented to the nonsigning

inventor Phani and his refusal to sign these documents.

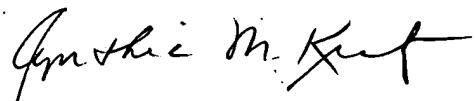
For the reasons set forth above, the evidence submitted does not support a finding that the nonsigning inventor Phani refuses to sign the application at this time. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

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



Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile (571) 272-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

10 SEP 2008

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DAVIS BUJOLD & DANIELS, P.L.L.C.
112 PLEASANT STREET
CONCORD NH 03301

In re Application of SKRYABIN et al.	:
Application No.: 11/629,723	: DECISION ON
PCT No.: PCT/AU05/00844	:
Int. Filing: 15 June 2005	: RENEWED PETITION
Priority Date: 15 June 2004	:
Attorney Docket No.: GRIHAC P49AUS	:UNDER 37 CFR 1.47(a)
For: PHOTOVOLTAIC MODULE WITH FULL UTILIZATION OF SURFACE AREA	:

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 22 July 2008 along with a declaration executed by previously non-signing inventor GEORGE PHANI.

BACKGROUND

On 15 December 2006, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 09 May 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) was required.

On 08 November 2007, applicant filed a petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signatures of inventors alleging that Mr. Phani and Mr. Skryabin refuse to sign the application.

On 22 January 2008, a decision dismissing the petition was mailed, indicating that petitioner had not demonstrated that the non-signing inventors refused to sign the application.

On 21 March 2008, applicant filed a renewed petition. On 29 April 2008, applicant filed a petition along with the executed declaration of inventor Skryabin. On 22 May 2008, a decision was mailed indicating that the declaration executed by previously non-signing inventor Skryabin was acceptable. The petition was dismissed, however, regarding the nonsigning inventor George Phani.

DISCUSSION

Regarding previously non-signing inventor George Phani, Petitioner has now provided a declaration executed by Mr. Phani. The declaration is acceptable and is in compliance with 37 CFR 1.497(a) and (b). Thus, the petition under 37 CFR 1.47(a) with regard to inventor Skryabin is dismissed as moot.

The petition under 37 CFR 1.47(a) is considered moot as a declaration executed by the previously unavailable inventor has now been submitted. The declarations are acceptable under 37 CFR 1.497(a) and (b).

CONCLUSION

For the above reasons, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

The declarations executed by the joint inventors and submitted on 08 November 2007, 29 April and 22 July 2008, are in compliance with 37 CFR 1.497(a) and (b) and are acceptable.

This application is being forwarded to United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **22 July 2008.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

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CST

July 31, 2009

In re application of	:	DECISION ON REQUEST TO
Igor Skrabin et al.	:	PARTICIPATE IN PATENT
Serial No. 11/629,723	:	PROSECUTION HIGHWAY
Filed: July 22, 2008	:	PILOT PROGRAM AND
For: PHOTOVOLTAIC MODULE WITH FULL UTILIZATION OF SURFACE AREA	:	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) to make the above-identified application special, filed June 1, 2009.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU, note where the IPAU 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 IPAU application with similar claims and the IPAU priority application;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);

(3) Applicant must ensure that 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 IPAU application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office action from each of the IPAU application(s) containing the allowable claims that are the basis for the request;

(6) Applicant must submit:
   a. An IDS listing the documents cited by the IPAU examiner in the IPAU office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition fail because:

(3) All of the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU application(s).

Claim 25 of the US application specifies "The photovoltaic module according to claim 22, wherein at least one hole is made in the inner substrate(s) to enable electrical connections between the front and the rear photovoltaic devices." The claim correspondence table indicates US application claim 25 corresponds to IPAU application claim 6, however IPAU application claim 6 specifies that the hole(s) are made through both of the first and second faces.

Claims 31-33 and 36-38 of the US application each delete the term "NDSC" and replace this with the phrase "wide band gap semiconductor and electrolyte layer devices with enhanced energy storage properties, however corresponding claims 11-13 and 16-18 of the IPAU application describe NDSC devices as "dye sensitised nanoparticulate layer of wide band gap semiconductor and electrolyte layer".

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application with await action in its regular turn.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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CST

September 21, 2009

In re application of Igor Skrabin et al. Serial No. 11/629,723 Filed: July 22, 2008 For: PHOTOVOLTAIC MODULE WITH FULL UTILIZATION OF SURFACE AREA	: : : : : : :	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 supplemental request to participate in the Patent Prosecution Highway (PPH) program filed August 18, 2009.

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 IPAU, note where the IPAU 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 IPAU application with similar claims and the IPAU priority application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the IPAU 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 IPAU 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 IPAU 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 IPAU application is a first action allowance then no office action from the IPAU 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 IPAU 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 IPAU examiner in the IPAU office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

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

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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1109 MCKAY DRIVE
SAN JOSE CA 95131

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JAN 26 2010

In re Application of	:	
Chang et al.	:	
Application No. 11/629,728	:	DECISION ON PETITION
Filed: 12/15/2006	:	
Attorney Docket No. NL04 0708US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 7, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed June 25, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 26, 2008. A Notice of Abandonment was mailed on February 5, 2009.

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

This application is being referred to Technology Center AU 2111 for appropriate action by the Examiner in the normal course of business on the reply received on August 7, 2009.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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JUN 16 2009

OFFICE OF PETITIONS

In re Application of
Yeow Khai Chang et al.
Application No. 11/629,731 : ON PETITION
Filed: December 15, 2006
Attorney Docket No. NLO40709US I

This is a decision on the petition under 37 CFR 1.137(b)[1], filed May 8, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Final Office Action mailed August 25, 2008. A response was filed October 17, 2008 with a one month extension of time, but by Advisory Action of October 27, 2008, petitioner was advised that the response did not place the application in condition for allowance. Accordingly, the Notice of Abandonment was mailed April 7, 2009.

Petitioner has submitted a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

This matter is being referred to Technology Center 2111 for processing of the RCE.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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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 an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

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

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

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15 MAY 2008

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John Nielsen
500 Hopyard Road, Suite 400
Pleasanton, CA 94588

In re Application of	:	
Shadish	:	
Serial No.: 11/629,749	:	DECISION ON
PCT No.: PCT/US2004/018920	:	PETITION
Int. Filing Date: 14 June 2004	:	UNDER 37 CFR 1.137(b)
Priority Date: None	:	
Attorney's Docket No.: A0638.024	:	
For: DISTRIBUTED IGMP PROCESSING	:	

This decision is responsive to the "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)" filed 20 February 2008.

BACKGROUND

On 14 June 2004, applicant filed international application PCT/US2004/018920. A copy of the international application was received by the United States Patent and Trademark Office from the International Bureau on 05 January 2006. Accordingly, the thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 14 December 2006.

On 14 December 2006, applicants filed a transmittal letter for entry into the national stage in the United States. The transmittal letter was accompanied by the basic national fee, the search fee, the examination fee and extra claim fees. These papers were assigned U.S. Serial No. 11/629,749.

On 15 May 2007, a "Notification of Insufficient Fees (DO/EO/US)" (Form PCT/DO/EO/923) was mailed to applicant indicating that the search fee paid by applicant was insufficient. Applicant was given a two-month time period for response.

On 05 February 2008, a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909) was mailed to applicant indicating that the current application was abandoned for failure to respond to the "Notification of Insufficient Fees (DO/EO/US)" (Form PCT/DO/EO/923).

On 20 February 2008, applicant filed the "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)" along with a check to pay the petition fee, the insufficient search fee and the surcharge.

On 22 February 2008, applicant filed a request to disregard the "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)" indicating that the applicant wanted to abandon the application, and to stop payment on the check.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied (1) by a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," (2) by a proper reply, (3) by the petition fee required by law (37 CFR 1.17(m)), and (4) if the international filing date of the application is before June 8, 1995, any petition to revive under 37 CFR 1.137(b) must be accompanied by a terminal disclaimer and small entity fee of $55.

Although applicant provided the required statement, applicant did not provide the proper petition fee since payment was stopped on the check. Therefore, the petition to revive is DISMISSED.

CONCLUSION

The petition to revive the application abandoned under 35 U.S.C. 371(d) is **DISMISSED** as to the National Stage in the United States of America.

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

Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Tel: (571) 272-3280
Fax: (571) 273-0459

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

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OFFICE OF PETITIONS

In re Application of :
Daniel GREEN et al. :
Application No. 11/629,765 : DECISION ON PETITION
Filed: December 14, 2006 :
Attorney Docket No. **US040239US2** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 07, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the Notification of Missing Requirements (Notice), mailed May 15, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 16, 2007.

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

A reply to the Notification of Missing Requirements on May 15, 2007 is missing the required fees of $130.

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 Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Daniel GREENE et al.
Application No. 11/629,765
Received: December 14, 2006
Attorney Docket No. **US040239US2**

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 05, 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 Notification of Missing Requirements (Notice), mailed May 15, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 16, 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 missing parts fees, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notification of Missing Requirements of May 15, 2007 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 Office of Patent Application Processing.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of :
CASHMAN, John :
Application No. 11/629,797 : DECISION ON PETITION
Filed: December 20, 2007 : TO WITHDRAW
Attorney Docket No. **HBRI.004US** : FROM RECORD
:

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

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

A review of the file record indicates that the power of attorney to Jones Day has been revoked by the assignee of the patent application on November 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 Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **TECHLAW LLP**
10755 SCRIPPS POWAY PARKWAY
SUITE 465
SAN DIEGO CA 92131

28 SEP 2007

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SHAY LAW GROUP LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO CA 94403

In re Application of
CHETHAM, SCOTT MATTHEW
PCT Application No.: PCT/AU05/00893
U.S. Application No.: 11/629,804
Int. Filing Date: 21 June 2005
Priority Date: 26 October 2004
Atty Docket No.: 10189-700.201
For: CARDIAC MONITORING SYSTEM

DECISION

UNDER

37 CFR 1.137(b)

This communication is issued in response to applicants' "Petition To Revive Unintentional Abandonment," filed 24 July 2007. Applicants' submission has been treated as a petition under 37 CFR 1.181 requesting that the Notification of Abandonment (Form PCT/DO/EO/909), mailed 16 July 2007, be withdrawn.

BACKGROUND

On 21 June 2005, this international application was filed, claiming an earliest priority date of 21 June 2004.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 21 December 2006.

On 15 December 2006, Applicant filed purported national stage papers with the United States Designated/Elected Office (DO/EO/US). The submission did not include the requisite basic national fee.

On 16 July 2007, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909).

On 24 July 2007, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in § 1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Nini F. Legesse
PCT Detailee
Office of PCT Legal Administration

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

09/28/2007 SBASHEIK 00000007 504050 11629804
Sale Ref: 00000008 DA#: 504050 11629804
01 FC:2631 150.00 DA
02 FC:2633 100.00 DA
03 FC:2642 200.00 DA
04 FC:2615 100.00 DA
05 FC:2453 750.00 DA

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18 SEP 2008

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In re Application of BLACK et al. Serial No.: 11/629,823 PCT App. No.: PCT/IB05/51976 Int'l Filing Date: 15 July 2005 Priority Date: 17 July 2004 Attorney Docket No.: US040238 For: STRUCTURAL ARRANGEMENT FOR A FLUID-DISPENSING POWER TOOTHBRUSH	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This is a decision on applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)", filed on 08 July 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 14 December 2006, within the thirty month period, applicant filed a Transmittal Letter (Form PTO 1390) requesting entry into the U.S. national stage and paid the basic national fee as required by 35 U.S.C. 371(c).

On 12 June 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required. Applicant was given a two month period within which to respond. Extensions of time were available. On 12 January 2008, the application went abandoned for failure to respond to the 905.

On 08 July 2008, applicant filed a petition to revive along with the petition fee of $1540. The $130 surcharge for filing the declaration after the thirty month period was charged to applicant's deposit account per his authorization.

DISCUSSION

A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper response unless it has been previously submitted, (2) the fee required by law for revival of an unintentionally abandoned application (1.17(m)), and (3) a statement that the "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional".

With respect to Item (2),the required petition fee of $1540 has also been paid. With respect to Item (3), applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

With regard to Item (1), a review of the application file reveals that the proper reply, an executed declaration, in compliance with 37 CFR 1.497(a) and (b), was not provided with respect to inventor Craig Black. The declarations executed by the joint inventors are in compliance with 37 CFR 1.497(a) and (b) and are acceptable.

A review of the declaration reveals that the declaration by inventor Craig Black was altered. The USPTO does not accept a declaration that has been altered.

Section 602.01 of the MPEP states the following:

> The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly subscribed to, a new oath or declaration must be required....

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether non-initialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. Thus, the proper reply, a declaration in compliance with 37 CFR 1.497(a) and (b), has not been submitted. Thus, the petition to revive must be dismissed at this time.

A new acceptable oath or declaration executed by the inventor Black, in compliance with 37 CFR 1.497(a) and (b) and 1.63, is required to satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

CONCLUSION

For the reasons stated above, the petition to revive under 37 CFR 1.137(b) filed 23 January 2008 in the above-captioned application is **DISMISSED WITHOUT PREJUDICE**. The application remains **ABANDONED**.

A new acceptable oath or declaration executed by the inventor Black, in compliance with 37 CFR 1.497(a) and (b) and 1.63, is required to satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

Any request for reconsideration on the merits of this decision must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)". No additional petition fee is required.

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

/Cynthia M. Kratz/
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19 DEC 2008

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In re Application of
BLACK et al.
Serial No.: 11/629,823
PCT App. No.: PCT/IB05/51976
Int'l Filing Date: 15 July 2005
Priority Date: 17 July 2004
Attorney Docket No.: US040238
For: STRUCTURAL ARRANGEMENT FOR A FLUID-DISPENSING POWER TOOTHBRUSH

DECISION ON

PETITION UNDER

37 CFR 1.137(b)

This is a decision on applicant's submission filed on 28 October 2008 in the United States Patent and Trademark Office (USPTO) and treated as a renewed "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)".

BACKGROUND

On 14 December 2006, within the thirty month period, applicant filed a Transmittal Letter (Form PTO 1390) requesting entry into the U.S. national stage and paid the basic national fee as required by 35 U.S.C. 371(c).

On 12 June 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required. Applicant was given a two month period within which to respond. Extensions of time were available. On 12 January 2008, the application went abandoned for failure to respond to the 905.

On 08 July 2008, applicant filed a petition to revive along with the petition fee of $1540. The $130 surcharge for filing the declaration after the thirty month period was charged to applicant's deposit account per his authorization.

On 18 September 2008, a decision was mailed to applicant indicating that the declaration executed by inventor Craig Black was altered and advising applicant the USPTO does not accept a declaration that has been altered. A newly executed declaration was required.

On 28 October 2008, applicant filed a response to the decision along with four newly executed declarations.

DISCUSSION

A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper response unless it has been previously submitted, (2) the fee required by law for revival of an unintentionally abandoned application (1.17(m)), and (3) a statement that the "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional".

Applicant previously satisfied Items (2) and (3).

With regard to Item (1), a review of the application file reveals that the proper reply, a newly executed declaration, in compliance with 37 CFR 1.497(a) and (b), was provided with respect to inventor Craig Black. The declarations executed by the joint inventors are in compliance with 37 CFR 1.497(a) and (b) and are acceptable.

The declaration executed by the inventor Black is in compliance with 37 CFR 1.497(a) and (b) and 1.63, and satisfies the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

CONCLUSION

For the reasons stated above, the renewed petition to revive under 37 CFR 1.137(b) filed 28 October 2008 in the above-captioned application is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **28 October 2008.**

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UNITED STATES PATENT AND TRADEMARK OFFICE

23 JUL 2008

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In re Application of:
HAEFELE, Peter, et al.
U.S. Application No.: 11/629,824
PCT No.: PCT/IB2006/051978
International Filing Date: 15 June 2006
Priority Date: 17 June 2004
Atty Docket No.: US040237US2
For: SPOUT ASSEMBLY FOR A REPLACEABLE FLUID RESERVOIR USED IN PERSONAL CARE APPLIANCES

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 10 July 2008 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 23 September 2007 based on applicants' failure to file a response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 23 July 2007.

The present petition for revival was accompanied by payment of the required petition fee. The petition was also accompanied by the "required reply" in the form of a proper response to the Notification Of Missing Requirements mailed 23 July 2007, that is, an executed declaration in compliance with 37 CFR 1.497 and the authorization to charge Deposit Account No. 14-1270 the required surcharge for filing the declaration later than thirty months after the priority date.

The petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the application is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 10 July 2008.

Richard M. Ross
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0 8 JAN 2007

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TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND OH 44114

In re Application of	:	
WILLIAMS	:	
Application No.: 11/629,829	:	DECISION ON
PCT No.: PCT/US2004/018534	:	
Int. Filing Date: 10 June 2004	:	PETITION UNDER
Priority Date: 09 July 2003	:	
Attorney Docket No.: TRW(RG)6595PCT/US	:	37 CFR 1.137(b)
For: STEERING APPARATUS FOR A VEHICLE	:	
HAVING FRONT AND REAR STEERABLE WHEELS	:	

This decision is in response to applicant's submission filed 13 December 2006.

BACKGROUND

On 10 June 2004, applicants filed international application PCT/US2004/018534 which designated the U.S. and claimed a priority date of 09 July 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 03 February 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 January 2006.

On 13 December 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an unexecuted declaration of the inventors, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

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

As to item (1), applicant submitted the basic national fee on 13 December 2006.

As to item (2), applicant submitted the petition fee on 13 December 2006.

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

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

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

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

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

Daniel Stemmer
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12 JAN 2007

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PATENT LEGAL STAFF
EASTMAN KODAK COMPANY
343 STATE STREET
ROCHESTER, NY 14650-2201

In re Application of	:	
Figov	:	
Application No.: 11/629,886	:	DECISION
PCT No.: PCT/IL05/00212	:	
Int. Filing Date: 21 February 2005	:	ON
Earliest Priority Date: 03 March 2004	:	
Attorney Docket No.: 91272-1JLT	:	PETITION
For: Novel Material For Infrared Laser Ablated Engraving Flexographic Printing Plates	:	

The petition to revive under 37 CFR 1.137(b) filed 18 December 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicants state that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR § 1.137(b) was unintentional." This statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have filed the required reply in the form the basic national fee. The petition fee is being charged to counsel's Deposit Account No. 05-0225, as is the surcharge under 37 CFR 1.492(h), per the authorization included in the petition. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **18 December 2006**.

George Dombroske
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01/12/2007 SBASHEIR 00000003 050225 11629886
Sale Ref: 00000003 DA#: 050225 11629886
01 FC:2453 1500.00 DA
02 FC:1617 130.00 DA

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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON, DC 20006

Mail Date: 04/21/2010

Applicant	: Marco Bosch	: DECISION ON REQUEST FOR
Patent Number	: 7582583	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/629,889	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **368** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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William H. Holt
Law Offices Of William H. Holt
12311 Harbor Drive
Woodbridge, VA 22192

In re Application of:	:	
MCCAUSLAND, Linda, Jane, et al.	:	DECISION ON PETITION UNDER
U.S. Application No.: 11/629,894	:	37 CFR 1.47(a)
PCT No.: PCT/GB2005/050092	:	
International Filing Date: 17 June 2005	:	
Priority Date: 17 June 2004	:	
Atty's Docket No.: McCAUSLAND-15864	:	
For: PRECIPITATION OF GIBBSITE FROM A BAYER LIQUOR	:	

This decision is issued in response to the petition under 37 CFR 1.47(a) filed 15 October 2008. Applicants have paid the required petition fee.

BACKGROUND

On 17 June 2005, applicants filed international application PCT/GB2005/050092. The international application claimed a priority date of 17 June 2004, and it designated the United States. On 29 December 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 17 December 2006.

On 18 December 2006, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a translation of the international application into English.

On 13 August 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an executed declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 15 October 2008, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge, a partially executed declaration, and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of inventor Linda Jane MCCAUSLAND, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by one of the two inventors of record in the international application and including an unsigned signature block for the non-signing inventor, Linda Jan MCCAUSLAND. This declaration can be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided statements from Peter T. Mansfield, with accompanying exhibits. The materials include a firsthand statement confirming that a copy of the complete application, with a request for signature has been delivered to the non-signing inventor, and that the inventor has failed to provide the requested documents in response to such request. These materials provide an acceptable showing that the non-signing inventor has refused to execute the application. Item (4) is therefore satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing inventor Linda Jane MCCAUSLAND.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 15 October 2008.

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17 DEC 2008

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Linda Jane McCausland
20 Shepherd Gardens, Abington
Oxon OX14 5PR
UNITED KINGDOM

In re Application of: MCCAUSLAND, Linda, Jane, et al.
U.S. Application No.: 11/629,894
PCT No.: PCT/GB2005/050092
International Filing Date: 17 June 2005
Priority Date: 17 June 2004
Atty's Docket No.: McCAUSLAND-15864
For: PRECIPITATION OF GIBBSITE FROM A BAYER LIQUOR

Dear Ms. McCausland:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Richard M. Ross
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Counsel Of Record:
William H. Holt
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12311 Harbor Drive
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29 MAY 2009

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WASHINGTON DC 20001-5303

In re Application of :
Bock et al. :
Application No. 11/629,896 :
PCT No.: PCT/DK2005/000400 :
Int. Filing Date: 17 June 2005 : DECISION
Eff. Priority Date: 18 June 2004 :
Atty. Docket No.: BOCK11 :
For: FGFR Binding Peptides :

This is in response to the "Petition To Vacate Erroneous Notification Of Defective Response" filed on 21 October 2008, which is being treated under 37 CFR 1.181.

BACKGROUND

This international application was filed on 17 June 2005, claimed an earlier priority date of 18 June 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 29 December 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 18 December 2006. Applicants filed, *inter alia*, the basic national fee on 18 December 2006.

On 25 June 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring *inter alia* the submission of an initial computer readable form (CRF) of the sequence listing and a statement that the content of the CRF is identical to the written (on paper or CD) sequence listing and, where applicable, contains no new matter.

On 25 September 2007, applicants filed a response.

On 08 October 2008, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed, indicating that the CRF and statement required by the Form PCT/DO/EO/905 mailed on 25 June 2007 had not been provided.

On 08 December 2008, a Notice of Acceptance (Form PCT/DO/EO/903) was mailed, showing a date under 35 U.S.C. 371(c)(1), (2) and (4) of "09/25/2007."

DISCUSSION

Counsel requests vacatur of the Notification of Defective Response mailed on 08 October 2008. Citing postcard evidence, applicants assert that the requirements in question, regarding the CRF and statement, were satisfied as part of the submission filed on 25 September 2007. Review of the electronic application file (IFW) reveals that an acceptable CRF and statement were in fact filed on 25 September 2007. In view of the totality of the facts presently of record, it would be appropriate to conclude that the Notification of Defective Response mailed on 08 October 2008 was issued in error. Accordingly, it is hereby **VACATED**.

Petitioner requests "to know the contents of" the Artifact Sheet appearing in IFW, with a date of 25 September 2007. Petitioner is advised that said Artifact Sheet refers to a "Floppy disk."

DECISION

The petition is **GRANTED** as described above.

This application is being forwarded to Technology Center 1654 for further proceedings.

/George Dombroske/
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TECHNOLOGY CENTER 2600

Dickinson Wright PLLC
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Washington DC 20006

In re Application of
IOCHI, HITOSHI, et al.
Application No. 11/629,905
Filed: December 18, 2006
Attorney Docket No. **L9289.06250**

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 October 20, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

Since examination has begun (in fact a patent has issued) the request to participate in the Patent Prosecution Highway program is moot.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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NOV 12 2008

OFFICE OF PETITIONS

BASELL USA INC.
DELAWARE CORPORATE CENTER II
2 RIGHTER PARKWAY, SUITE #300
WILMINGTON, DE 19803

In re Application of :
Lars Kolling :
Application No. 11/629,928 : ON PETITION
Filed: December 18, 2006 :
Attorney Docket No. LU 6191 (US) :

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed August 4, 2008.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before March 14, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed December 14, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 15, 2008. A Notice of Abandonment was mailed on May 2, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $1,440 issue fee and $300 publication fee; (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay[1].

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Although the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement will be construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/629,948	12/18/2006	Toru Imori	4700.P0342US	1982

7590 09/09/2008

FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO, MI 49008-1631

EXAMINER	
ANTHONY, JOSEPH DAVID	
ART UNIT	**PAPER NUMBER**
1796	
MAIL DATE	**DELIVERY MODE**
09/09/2008	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

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

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

08 MAY 2008

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Omori & Yaguchi USA, LLC
8 Penn Center
1628 John F. Kennedy Blvd
Suite 1300
Philadelphia PA 19103

In re Application of :
GRUHN, et al. :
Application No.: 11/629,967 :
PCT No.: PCT/DE05/01071 : DECISION ON PAPERS
Int. Filing Date: 16 June 2005 :
Priority Date: 16 June 2004 : UNDER 37 CFR 1.42
Attorney Docket No.: Y06Y005PCT-US :
For: DRIVE DEVICE FOR A MOTOR VEHICLE DOOR, IN PARTICULAR A SLIDING DOOR :

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The combined declaration and power of attorney filed 04 January 2008 is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 16 June 2005, applicant filed international application PCT/DE05/01071, which claimed priority to an earlier application filed 16 June 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 29 December 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 16 December 2006.

On 18 December 2005, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment; English translation of the international application and an Application Data Sheet.

On 06 November 2007, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 04 January 2008, applicant filed the present response which is being considered as a

request for status pursuant to 37 CFR 1.42.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 04 January 2008 was executed by co-inventor Holger Schiffer and Margret Gruhn as legal representative of the estate of deceased co-inventor, Klaus Gruhn. The declaration provides the citizenship for both the deceased inventor and the signing legal representative per 37 CFR 1.497(a)(3). As such, it is proper to grant applicant's request for status pursuant to 37 CFR 1.42.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 16 June 2005 and will be given a date of **04 January 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Reinhold Huber	: DECISION ON REQUEST FOR
Patent Number	: 7639352	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/629,970	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **406** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

25 JUN 2008

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

In re Application of GREEN :
U.S. Application No.: 11/629,992 :
PCT Application No.: PCT/IB2005/051870 :
Int. Filing Date: 08 June 2005 :
Priority Date Claimed: 19 June 2004 : DECISION
Attorney Docket No.: 4459-0525PUS1 :
For: ACTIVE MATRIX ELECTRONIC ARRAY :
DEVICE HAVING BUILT IN RESISTIVE :
HEATING ARRANGEMENT :

This is in response to the "Petition Under 37 CFR 1.182" filed 12 April 2007.

BACKGROUND

On 08 June 2005, applicant filed international application PCT/IB2005/051870, which claimed priority of an earlier United Kingdom application filed 19 June 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 29 December 2005. The thirty-month period for paying the basic national fee in the United States expired on 19 December 2006.

On 19 December 2006, applicant filed purported national stage papers in the DO/EO/US. The submission, which was filed by the firm Sughrue Mion, PLLC, listed "Q99166" as the attorney docket number and was assigned U.S. Application Number 11/570,948.

On 19 December 2006, applicant filed purported national stage papers in the DO/EO/US. The submission, which was filed by the firm Birch Stewart Kolasch & Birch, listed "4459-0525PUS1" as the attorney docket number and was assigned U.S. Application Number 11/629,992.

On 12 January 2007, this Office mailed a communication requesting clarification as to the submission of the two sets of national stage papers.

On 12 April 2007, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The submission of two sets of national stage papers for a single international application was improper. Applicant has submitted a petition under 37 CFR 1.182 along with the requisite $400.00 petition fee. The petition states that applicant inadvertently instructed two different law firms to file national stage papers in the United States. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a proper oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100126

DATE : January 27, 2010

TO SPE OF : ART UNIT 3662

SUBJECT : Request for Certificate of Correction on Patent No.: 7612706

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: /Thomas H. Tarcza/ **Art Unit** 3662

16 JUL 2008

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SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO IL 60606-1080

In re Application of MOLL	:
Application No.: 11/630,053	: DECISION ON PETITION
PCT No.: PCT/US05/21807	:
Int. Filing: 17 June 2005	: UNDER 37 CFR 1.47(a)
Priority Date: 17 June 2004	:
Attorney Docket No.: 60020450-0030	:
For: MANAGED CO-CULTURES OF ORGANISMS HAVING PROPHYLACTIC AND HEALTH-PROMOTING EFFECTS	:

This is a decision on applicant's response to the Notification of Missing Requirements, a petition under 37 CFR 1.47(a), which was filed in the United States Patent and Trademark Office (USPTO) on 30 April 2008. Applicant requests that the application be accepted without the signature of Gabriel Chavez Vega.

BACKGROUND

On 18 December 2006, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 31 October 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 30 April 2007, applicant filed the instant petition along with a declaration, executed by two applicants on behalf of the sole nonsigning inventor. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of GABRIEL CHAVEZ VEGA alleging that Mr. Vega refused to sign the application and is unavailable.

DISCUSSION

At the outset, it is noted that the two month period of time within which applicant must respond to the Notification of Missing Requirements expired on 31 December 2007. Extensions of time were available to applicant. Applicant filed his reply to the Notification by the filing of the instant petition on 30 April 2008. Thus, a four month extension of time is required. Applicant authorized the charging of any fee necessary to his deposit account; the fee for a four month extension of time fee is $1640, which is charged to his deposit account. A four month extension of time is granted.

A review of the published international application PCT/US05/21807 reveals that Benjamin Moll is the sole named inventor. Jose Lopez Beltran and Gabriel Chavez Vega are identified as applicants for all designated States except the U.S. The declaration submitted by applicant on 30 April 2008 is executed by Benjamin Moll and Jose Lopez Beltran. The declaration also identifies Gabriel Chavez Vega as a joint inventor.

Applicant did not provide a Notification of the Recording of A Change (Form PCT/IB/306) issued by the International Bureau adding Jose Lopez Beltran and Gabriel Chavez Vega as inventors under PCT Rule 92*bis*. A petition under 37 CFR §1.47(a) is not required in this application unless Jose Lopez Beltran and Gabriel Chavez Vega were added as inventors under PCT Rule 92*bis*. Thus, the petition under 37 CFR 1.47(a) is dismissed as moot.

The declaration submitted on 30 April 2008 erroneously identifies Jose Lopez Beltran and Gabriel Chavez Vega as co-inventors with the named inventor and thus is not in compliance with 37 CFR 1.497(a) and (b). Since there is no indication that Jose Lopez Beltran and Gabriel Chavez Vega were accepted by the International Bureau under PCT Rule 92*bis* as a joint inventor, it is improper to accept the declaration identifying them as joint inventors.

CONCLUSION

The declaration executed by Jose Lopez Beltran and Gabriel Chavez Vega identifying them as joint inventors in the above referenced application is unacceptable and not in compliance with 37 CFR 1.497(a) and (b).

A new declaration, in compliance with 37 CFR 1.497(a) and (b), and executed by sole inventor Benjamin Moll named in the published international application is required.

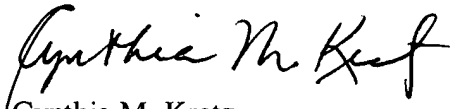
In the alternative, Applicant should forward a copy of the Notification of the Recording of a Change (Form PCT/IB/306) if the correction was accepted by the International Bureau.

If a correction under PCT Rule 92*bis* was not requested, a petition under 37 CFR 1.497(d) to add inventors Jose Lopez Beltran and Gabriel Chavez Vega to this application would be required.

The petition under 37 CFR §1.47(a) is **DISMISSED AS MOOT**. A four month extension of time of $1640 was charged to applicant's deposit account per his authorization.

Any reconsideration on the merits of the petition under 37 CFR §1.497 must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.497." Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Cynthia M. Kratz
Attorney Advisor
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13 FEB 2009

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SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO IL 60606-1080

In re Application of MOLL	:
Application No.: 11/630,053	: DECISION ON SUBMISSION
PCT No.: PCT/US05/21807	:
Int. Filing: 17 June 2005	:OF DECLARATION
Priority Date: 17 June 2004	:
Attorney Docket No.: 60020450-0030	:
For: MANAGED CO-CULTURES OF ORGANISMS HAVING PROPHYLACTIC AND HEALTH-PROMOTING EFFECTS	:

This is a decision on applicant's "Response to Decision on Response to Notice of Missing Parts," which was filed in the United States Patent and Trademark Office (USPTO) on 18 September 2008.

BACKGROUND

On 18 December 2006, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 31 October 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 30 April 2007, applicant filed a petition under 37 CFR 1.47(a) along with a declaration, executed by two applicants on behalf of the sole nonsigning inventor. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of GABRIEL CHAVEZ VEGA alleging that Mr. Vega refused to sign the application and is unavailable.

On 16 July 2008, a decision was mailed dismissing as moot the petition under 37 CFR 1.47(a) and advising applicant to file a petition under 37 CFR 1.497(d) to add applicants Jose Lopez Beltran and Gabriel Chavez Vega as inventors.

DISCUSSION

As stated in the 16 July 2008 decision, a review of the published international application PCT/US05/21807 reveals that Benjamin Moll is the sole named inventor. It is noted that Jose Lopez Beltran and Gabriel Chavez Vega are identified as applicants for all designated States

except the U.S. in the international application. It is also noted that Benjamin Moll, Jose Lopez Beltran and Gabriel Chavez Vega are identified as inventors in the priority application, U.S. provisional application 60/580,983.

The declaration submitted by applicant on 30 April 2008 identified Benjamin Moll, Jose Lopez Beltran and Gabriel Chavez Vega as joint inventors in 11/630,053. The declaration was executed by Benjamin Moll and Jose Lopez Beltran but was not signed by Gabriel Chavez Vega.[1] The declaration submitted on 30 April 2008 erroneously identified Jose Lopez Beltran and Gabriel Chavez Vega as co-inventors with the named inventor Moll and thus was not in compliance with 37 CFR 1.497(a) and (b). Applicant was advised that it was improper to accept the declaration identifying them as joint inventors.

In response to the decision mailed on 16 July 2008, applicant has now provided a declaration executed solely by inventor Benjamin Moll without any explanation regarding the previous identification of Messrs. Beltran and Vega as joint inventors. The declaration executed solely by Mr. Moll cannot be accepted without statements from both signatories Benjamin Moll and Jose Lopez Beltran. Their statements are required to explain why each signed a declaration identifying themselves as joint inventors in the above referenced application.

CONCLUSION

The declaration is unacceptable at this time. A statement from Benjamin Moll and from Jose Chavez Beltran as described above is required.

Applicant is given **ONE (1) MONTH** from the mail date of this decision within which to respond. NO extensions of time are available.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

[1] There was no evidence that Jose Lopez Beltran and Gabriel Chavez Vega were accepted by the International Bureau under PCT Rule 92*bis* as a joint inventor as a Notification of the Recording of A Change (Form PCT/IB/306) issued by the International Bureau adding Jose Lopez Beltran and Gabriel Chavez Vega as inventors under PCT Rule 92*bis* was not provided.

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0 4 JUN 2009

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P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO IL 60606-1080

In re Application of MOLL	:
Application No.: 11/630,053	: DECISION ON PETITION
PCT No.: PCT/US05/21807	:
Int. Filing: 17 June 2005	: UNDER 37 CFR 1.47(a)
Priority Date: 17 June 2004	:
Attorney Docket No.: 60020450-0030	:
For: MANAGED CO-CULTURES OF ORGANISMS HAVING PROPHYLACTIC AND HEALTH-PROMOTING EFFECTS	:

This is a decision on applicant's communication entitled "Response to Decision on Submission of Declaration" which applicant indicates is a petition under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office (USPTO) on 13 March 2009.

BACKGROUND

On 31 October 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 30 April 2007, applicant filed a petition under 37 CFR 1.47(a) along with a declaration, executed by two applicants on behalf of the sole nonsigning inventor. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of GABRIEL CHAVEZ VEGA alleging that Mr. Vega refused to sign the application and is unavailable.

On 16 July 2008, a decision was mailed dismissing as moot the petition under 37 CFR 1.47(a) and advising applicant to file a petition under 37 CFR 1.497(d) to add applicants Jose Lopez Beltran and Gabriel Chavez Vega as inventors.

On 18 September 2008, applicant filed a declaration identifying and executed by sole inventor Benjamin Moll. On 13 February 2009, a decision was mailed indicating that the declaration executed solely by Mr. Moll could not be accepted without statements from both signatories Benjamin Moll and Jose Lopez Beltran. to explain why each signed a declaration identifying themselves as joint inventors in the above referenced application.

On 13 March 2009, Petitioner provided the statement of Dr. Benjamin Moll indicating that Drs. Vega and Lopez were "incorrectly and unintentionally listed as applicants but not inventors". Jose Lopez Beltran filed a statement under 37 CFR 1.497(d) indicating that he is an inventor and

should be added as an inventor in this U.S. application. A copy of the Notification of Recording of a Change is now in the application file adding Gabriel Chavez Vega and Jose Lopez Beltran as applicant/inventors for the United States only.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

The petition included the requisite $200 petition fee, satisfying Item (1). A statement of applicant's last known address was provided, satisfying Item (3). As for Item (4), a declaration executed by the joint inventors on his behalf and on behalf of the non-signing inventor was provided.

Unavailability of Inventor

With respect to Item (2), Petitioner simply states "Gabriel Chavez Vega is unavailable. Several attempts have been made to reach him.". No other details are provided.

As indicated in the MPEP Section 409.03(d), where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that *fully describes the exact facts which are relied on to establish that a diligent effort was made. The statement of facts must be signed, where at all possible, by a person having firsthand knowledge* of the facts recited therein. Statements based on hearsay will not normally be accepted. *Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement.* The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

As noted above, Petitioner did not demonstrate what "diligent efforts" were undertaken to locate Dr. Vega and obtain his signature on the declaration. Diligent efforts made to locate the nonsigning inventor were not pursued and documented, such as Internet searches, contact with the joint inventor to obtain the nonsigning inventor's current address, a forwarding address or current email address and/or current employer. No attempt to reach him by telephone was made. No request from the Postal Service for his forwarding address was made. Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a "diligent effort" was made. Petitioner's statement does not indicate that any search for the nonsigning inventor's new address was made. Since no attempts to locate the inventor was documented, it cannot be concluded that "a diligent effort" was made to locate the non-signing inventor.

The action taken by petitioner is not sufficient to prove that "a diligent effort" was made to contact the nonsigning inventor. Under these circumstances, it cannot be concluded that the nonsigning inventor is unavailable to sign the application. Petitioner has not satisfied Item (2) by demonstrating a first hand statement of the " diligent efforts" that were made to locate the nonsigning inventor.

In sum, Petitioner has satisfied Items (1), (3) and (4). As set forth above, Petitioner has not satisfied Item (2). Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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- 5 JAN 2010

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In re Application of MOLL	
Application No.: 11/630,053	DECISION ON PETITION
PCT No.: PCT/US05/21807	
Int. Filing: 17 June 2005	UNDER 37 CFR 1.47(a)
Priority Date: 17 June 2004	
Attorney Docket No.: 60020450-0030	
For: MANAGED CO-CULTURES OF ORGANISMS HAVING PROPHYLACTIC AND HEALTH-PROMOTING EFFECTS	

This is a decision on applicant's communication entitled "Renewed Petition under 37 CFR 1.47(a)" filed in the United States Patent and Trademark Office (USPTO) on 04 November 2009.

BACKGROUND

The procedural history of this application was set forth in the decision mailed on 04 June 2009 and is incorporated herein by reference. A copy of the Notification of Recording of a Change is now in the application file adding Gabriel Chavez Vega and Jose Lopez Beltran as applicant/inventors for the United States only. Applicant requests that the application be accepted without the signature of inventor Gabriel Chavez Vega.

DISCUSSION

As previously stated, a petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Items (1), (3) and (4) were previously satisfied.

With respect to Item (2), as indicated in the MPEP Section 409.03(d), where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the

statement of facts. It is important that the statement contain facts as opposed to conclusions.

Petitioner now provides the first hand statement of fact of Elizabeth Holtmann, Intellectual Property paralegal for the law firm Sonnenschein, Nath and Rosenthal, LLP. Ms. Holtmann recounts the numerous attempts she made to locate Mr. Vega. Diligent efforts made to locate the nonsigning inventor were pursued and documented, such as Internet searches, contact with the joint inventor to obtain the nonsigning inventor's current address, a forwarding address or current email address and/or current employer. Attempts to reach him by telephone were made. Petitioner's statement indicates that all attempts to locate the inventor proved unsuccessful. It can now be concluded that "a diligent effort" was made to locate the non-signing inventor.

Petitioner has satisfied Items (1)- (4). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 30 April 2008 The application has an international filing date of 17 June 2005 under 35 U.S.C. 363, and a date of 30 April 2008 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

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- 5 JAN 2010

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GABRIEL CHAVEZ VEGA
RIO HUMAYA 400 NORTE DEP.1
LOS MOCHIS
81240 SINALOA MEXICO

In re Application of MOLL :
Application No.: 11/630,053 :
PCT No.: PCT/US05/21807 :
Int. Filing: 17 June 2005 :
Priority Date: 17 June 2004 :
Attorney Docket No.: 60020450-0030 :
For: MANAGED CO-CULTURES OF ORGANISMS HAVING PROPHYLACTIC AND HEALTH-PROMOTING EFFECTS :

Dear Mr. Vega:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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12 JAN 2007

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RIVERDALE (BRONX), NY 10471-0900

In re Application of HEAD et al	:	
U.S. Application No.: 11/630,058	:	
PCT Application No.: PCT/GB2005/001489	:	DECISION
Int. Filing Date: 20 April 2005	:	
Priority Date Claimed: 20 April 2004	:	
Attorney Docket No.: 23810	:	
For: CABLE CLAMPS	:	

This is in response to applicant's "Petition for Revival Under 37 CFR 1.137(b)" filed 18 December 2006.

BACKGROUND

On 20 April 2005, applicant filed international application PCT/GB2005/001489, which claimed priority of an earlier United Kingdom application filed 20 April 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 03 November 2005. The thirty-month period for paying the basic national fee in the United States expired on 20 October 2006.

International application PCT/GB2005/001489 became abandoned as to the United States for failure to timely pay the basic national fee.

On 18 December 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "The entire delay in filing the required documents from the due date until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." This statement is interpreted as 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 under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
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2 0 AUG 2008

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In re Application of HEAD et al	:	
U.S. Application No.: 11/630,058	:	
PCT Application No.: PCT/GB2005/001489	:	DECISION
Int. Filing Date: 20 April 2005	:	
Priority Date Claimed: 20 April 2004	:	
Attorney Docket No.: 23810	:	
For: CABLE CLAMPS	:	

This is in response to applicant's "Petition Under 37 CFR.182" filed 04 August 2008, which is being treated under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 20 April 2005, applicant filed international application PCT/GB2005/001489, which claimed priority of an earlier United Kingdom application filed 20 April 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 03 November 2005. The thirty-month period for paying the basic national fee in the United States expired on 20 October 2006.

On 21 October 2006, international application PCT/GB2005/001489 became abandoned as to the United States for failure to timely pay the basic national fee.

On 18 December 2006, applicant filed a petition under 37 CFR 1.37(b).

On 12 January 2007, this Office mailed a decision granting the 18 December 2006 petition.

On 31 May 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 14 June 2007, applicant purportedly filed an executed declaration.

On 14 July 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 04 August 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The evidence of record is sufficient to establish that the declaration was originally filed on 14 June 2007. Specifically, the copy of the return postcard, which includes the declaration in its itemized contents and which bears a USPTO date stamp of 14 June 2007, serves as *prima facie* evidence that the declaration was received by the USPTO on 14 June 2007.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 14 July 2008 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Defective Response (Form PCT/DO/EO/916), which should indicate that the declaration filed 14 June 2007 does not properly identify the specification to which it is directed.[1]

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[1] The declaration filed 14 June 2007 references the wrong international application number.

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MAILED

JUN 16 2010

OFFICE OF PETITIONS

In re Application of :
Antonio Mallol Torralso, et al.. :
Application No. 11/630,090 : DECISION ON PETITION
Filed: June 8, 2007 :
Attorney Docket No. 10191/4515 :

This is a decision on the petition, filed May 6, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the non-final Office action of September 22, 2009, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before December 22, 2009.

Petitioner states that a timely reply was timely filed with a certificate of mailing on November 30, 2009, which included the following papers: transmittal form with a certificate of mailing of November 30, 2009, and an Amendment. As evidenced by the attached reply with a certificate of mailing of November 30, 2009 a response was timely entrusted to the mails but not received by the USPTO. The original reply is now in the file.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of September 22, 2009 is hereby **withdrawn** and the **application restored to pending status**.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3664 for processing of the amendment filed with the petition.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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0 4 JAN 2008

THE SCRIPPS RESEARCH INSTITUTE
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La Jolla, California 92307

In re Application of	:	DECISION ON
Janda et al	:	
PCT No.: PCT/EP2005/007007	:	
Application No: 11/630,101	:	PETITION UNDER
Int. Filing Date: 29 June 2005	:	
Priority Date: 30 June 2004	:	
Attorney's Docket No.: TSRI 1028.1 US	:	
For: COMPOSITIONS AND METHODS FOR DELIVERY OF ANTITUMOR AGENTS	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 30 November 2007.

BACKGROUND

On 29 June 2005, applicants filed international application PCT/EP2005/007007, which claimed priority to an earlier application filed 30 June 2004. A copy of the international application was communicated by the International Bureau to the United States Patent and Trademark Office on 12 January 2006.

On 19 December 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration from the inventors accompanied the Transmittal Letter.

On 20 November 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing" The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68. The Notice stated that the declaration must be submitted within two months from the date of this notice or 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 30 November 2007, petitioners filed an executed declaration without the signature of Dr. Wirsching.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Petitioner has satisfied requirements (1) and (3) -(4) of 37 CFR 1.47(a) but not requirement (2).

Regarding requirement (1), petitioner has provided the petition fee.

Regarding requirement (2), the averments of Ms. Hung Wang are not sufficient to support a finding that the nonsigning inventor, Dr. Wirsching refuses to sign because it is unclear if a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, and that the inventor refused to accept delivery of the papers. Although, the applications were alleged to have been mailed on June 21, 2007, and Dr. Wirsching was requested to return the papers by July 6, 2007, this is a short time period (about two weeks) to make a determination that Dr. Wirsching refuses to sign the papers because it could be that he was on vacation or out of town during the delivery or needed some reasonable time to review the papers before signing. Thus, these could be reasons the papers were not returned by July 6, 2007.

In addition, no documentary evidence to support these assertions has been provided such as a signed postal receipt or tracking confirmation that the application papers were delivered.

Moreover, it is not clear from the petition that it was Mr. Wang who performed the actions listed in the petition and the person who mailed the application papers, and has first hand knowledge of those facts as required by MPEP Section 409.03(d). If Mr. Wang was not the person who performed the actions listed, petitioner will need to submit statements, with specific facts on the actions referred in the petition by the persons who have first-hand knowledge of such facts.

Regarding requirement (3), petitioner has provided a statement of the last known address of the missing inventor.

Regarding requirement (4), petitioner has provided a properly executed declaration.

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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19 FEB 2008

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In re Application of	:	DECISION ON RENEWED
Janda et al	:	
PCT No.: PCT/EP2005/007007	:	
Application No: 11/630,101	:	PETITION UNDER
Int. Filing Date: 29 June 2005	:	
Priority Date: 30 June 2004	:	
Attorney's Docket No.: TSRI 1028.1 US	:	
For: COMPOSITIONS AND METHODS FOR DELIVERY OF ANTITUMOR AGENTS	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 15 January 2008.

BACKGROUND

In a decision from this Office on 04 January 2008, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 15 January 2008, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 04 January 2008 with respect to accepting the above application without the signature of nonsigning inventor Mr. Peter Wirsching. Filed with the renewed petition, *inter alia*, is further documentary evidence of mailing the applications to Dr. Andrew and a statement of his last known address.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Petitioner has still not satisfied item (2) of 37 CFR 1.47(a).

Regarding requirement (2), the averments of Ms. Nancy L Barker appear to indicate that Mr. Wirsching no longer resides at his last known address. From the petition, it is unclear if Mr. Wirsching still resides in the last known address where the papers were mailed because no evidence has been submitted showing that he received the papers.

Where the Office is being asked to accept the silence of the nonsigning inventor's as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant. Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventor, item (2) cannot be considered satisfied.

If Mr. Wirsching does not reside there, then petitioner is under an obligation to try to find or reach Mr. Wirsching. Where there is an inability to find or reach a joint inventor "after diligent effort," petitioner may file a statement of facts that fully describes the exact facts which are relied on to establish that a diligent effort was made under **37 CFR 1.47**.

Ms. Baker's declaration fails to show diligent effort to locate inventor Mr. Wirsching because she only states that she contacted "Directory Assistance in Christie, New Jersey." However, she has not shown that she has searched for the above non-signing inventor's new address by using a broad search in the internet and a phone directory listing, which would show diligent effort by her to find the nonsigning inventor.

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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27 MAY 2008

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In re Application of	:	DECISION ON SECOND
Janda et al	:	
PCT No.: PCT/EP2005/007007	:	
Application No: 11/630,101	:	REWENED PETITION UNDER
Int. Filing Date: 29 June 2005	:	
Priority Date: 30 June 2004	:	
Attorney's Docket No.: TSRI 1028.1 US	:	
For: COMPOSITIONS AND METHODS FOR DELIVERY OF ANTITUMOR AGENTS	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 17 April 2008.

BACKGROUND

In a decision from this Office on 19 February 2008, the renewed petition filed on 15 January 2008 under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had still not been satisfied.

On 17 April 2008, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 19 February 2008 with respect to accepting the above application without the signature of nonsigning inventor Mr. Peter Wirsching. Filed with the renewed petition, *inter alia*, is further statement of Nancy L. Barker stating her attempts to locate Dr. Wirsching and list of an internet search.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding requirement (2), the averments of Ms. Nancy L Barker shows a bona fide effort to locate the nonsigning inventor, Dr. Wirsching, as she searched in internet sites such as zabasearch.com, addresses.com and google.com for him. She tried to contact matches that appeared in those site but to no avail. Ms. Barker has also provided a list an internet search. Accordingly, the actions enumerated by submitted statements are sufficient to establish that the non-signing inventor could not be found or reached after diligent effort.

Petitioner has satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given a 35 U.S.C. 371(c)) date of **30 November 2007.**

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

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In re Application of
Janda et al
Application No: 11/630,101
PCT No.: PCT/EP2005/007007
Int. Filing Date: 29 June 2005
Priority Date: 30 June 2004
Attorney's Docket No.: TSRI 1028.1 US
For: COMPOSITIONS AND METHODS FOR
DELIVERY OF ANTITUMOR AGENTS

Dear Dr. Wirsching:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
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DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
SUITE 702
UNIONDALE NY 11553

In re Application of YOSHIMURA et al.	:
Application No.: 11/630,123	: DECISION ON
PCT No.: PCT/JP04/09041	:
Int. Filing: 21 June 2004	: PETITION
Priority Date: None	:
Attorney Docket No.: 1416-5	:UNDER 37 CFR 1.47(a)
For: LOAD PORT	:

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 04 April 2008, to accept the application without the signature of joint inventor YOSHINORI CHO. Applicant's request for a three month extension of time is granted.

BACKGROUND

On 06 November 2007, a Notification of Missing Requirements was mailed to applicant, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 04 April 2008, applicant filed a petition under 37 CFR 1.47(a), along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor YOSHINORI CHO, alleging that Mr. Cho is unavailable.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Item (1), (3) and (4) are satisfied.

Unavailability of Inventor Cho

With respect to Petitioner's inability to find or reach Mr. CHO, Petitioner presents the statement of facts of Hisao Sotome. Mr. Sotome's statement relates that on 01

February 2008, he sent a complete copy of the application papers including a Combined Declaration/Power of Attorney via registered mail to Mr. Cho at his last known address requesting his signature. A copy of his cover letter and an English translation thereof was attached to his statement. This letter, with accompanying documents, was returned as undeliverable as Mr. Cho no longer resides at the last known address.

Thereafter, Mr. Sotome contacted several of Mr. Cho's former colleagues at his former employer in an attempt to locate a new address for Mr. Cho. None knew of any new address. Mr. Sotome attempted to find Mr. Cho's telephone number in Japan without success. Mr. Sotome also conducted a Internet Google search for Mr. Cho without result.

Sufficient diligent efforts to locate Mr. Cho were pursued and documented, such as Internet searches, contact with his former colleagues in search of a forwarding address, and search of local telephone directory. Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a "diligent effort" was made. Petitioner had submitted a statement of facts under 37 CFR 1.47(a) indicating that a further search for Mr. Cho's new address was made. The attempts to locate inventor Cho were sufficient to conclude that "a diligent effort" was made to locate the non-signing inventor. The action taken by petitioner is sufficient to prove that "a diligent effort" was made to contact the nonsigning inventor. Under these circumstances, it can now be concluded that Mr. Cho is unavailable to sign the application.

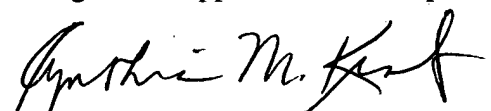
In sum, Petitioner has now satisfied Items (1) - (4) above. Petitioner has submitted sufficient evidence with respect to Mr. Cho, that is, that "diligent efforts" were made to contact the nonsigning inventor Cho in a diligent attempt to locate Mr. Cho. Thus it can be concluded that Mr. Cho is unavailable. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(a) application using the declaration filed 19 December 2006. The application has an international filing date of 21 June 2004 under 35 U.S.C. 363, and a date of 19 December 2006 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at their respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.



Cynthia M. Kratz
Attorney Advisor
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23 OCT 2008

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YOSHINORI CHO
5-20-8 BUZOU
SAITAMA-SHI
SAITAMA 336-0025
JAPAN

In re Application of YOSHIMURA et al.	:
Application No.: 11/630,123	: DECISION ON
PCT No.: PCT/JP04/09041	:
Int. Filing: 21 June 2004	: PETITION
Priority Date: None	:
Attorney Docket No.: 1416-5	:UNDER 37 CFR 1.47(a)
For: LOAD PORT	:

Dear Mr. CHO:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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25 JUN 2007

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
LYNGGAARD et al.	:	
Application No.: 11/630,129	:	DECISION
PCT No.: PCT/SE2005/001026	:	
Int. Filing Date: 29 June 2005	:	
Priority Date: 30 June 2004	:	
Attorney Docket No.: 3782-0295PUS3	:	
For: DATA PROCESSING IN AN ELECTRIC PEN	:	

This decision is in response to applicants' petition under 37 CFR 1.182 filed 18 June 2007.

BACKGROUND

On 29 June 2005, applicants filed international application PCT/SE2005/001026, which claimed a priority date of 30 June 2004 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 12 January 2006. The thirty-month period for paying the basic national fee in the United States expires at midnight on 02 January 2007 (30 December 2006 being a Saturday and 01 January 2007 being a Federal holiday).

On 20 December 2006, applicants filed a TRANSMITTAL LETTER (FORM PTO-1390) for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a preliminary amendment. These papers were identified with attorney docket number **3782-0295PUS3**. These application papers were assigned application number **11/630,129**.

On 20 December 2006, applicants apparently filed a second TRANSMITTAL LETTER (FORM PTO-1390) for entry into the national stage in the United States which was accompanied by, *inter alia*, a preliminary amendment and an Information Disclosure Statement (IDS). These papers were identified with attorney docket number **3782-0295PUS2**. These application papers were apparently placed in application number **11/630,129.**

On 18 January 2007, applicants filed the instant petition under 37 CFR 1.182 indicating that the USPTO combined both sets of papers referred to above in the instant application file under the instant application number. Petitioner requests in effect that all papers relating to

attorney docket number **3782-0295PUS3** be retained in the application file while all papers relating to attorney docket number **3782-0295PUS2** be removed from the instant application file.

DISCUSSION

Only One National Stage Application Allowed

The submission of more than one set of national stage papers to enter the United States is improper.

35 U.S.C. 363 states:

> An international application designating the United States shall have the effect, from its international filing date under article 11 of the treaty, of a national application for patent regularly filed in the Patent and Trademark Office except as otherwise provided in 102(e) of this title. (emphasis added)

Further, 35 U.S.C. 371(b) states:

> (b) Subject to subsection (f) of this section, the national stage shall commence with the expiration of the applicable time limit under article 22(1) or (2), or under article 39(1)(a) of the treaty. (emphasis added)

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in the singular only, and thus only one (1) national stage application in the U.S. may develop from an international application. In that only one national stage of a PCT application is permitted, it is proper for all of the submissions to be placed in a single application and assigned a single application number. This procedure was apparently followed in the instant situation.

Applicant should use application number **11/630,129** in all future communications with the Patent and Trademark Office in regards to the U.S. national stage of international application PCT/SE2005/001026.

Petition Under 37 CFR 1.182

The application papers corresponding to attorney docket number **3782-0295PUS3** have been retained in the file and the application papers for attorney docket number **3782-0295PUS2** have been removed from the file with one exception. Only one IDS appears in the file and that is an IDS having attorney docket number **3782-0295PUS2**. Although applicant has provided a copy of an IDS having attorney docket number **3782-0295PUS3** in the petition filed 18 June 2007, the postcard receipt provided as evidence of receipt in the USPTO of this IDS is not date-stamped. Thus, the copy cannot be accepted under 37 CFR 1.181.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED-IN-PART** since the IDS that applicants requested remain in the file is not part of the file.

Please direct further correspondence with respect to this matter to Mail Stop PCT,

Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

06/25/2007 SBASHEIR 00000002 022448 11630129
Sale Ref: 00000003 DA#: 022448 11630129
01 FC:1462 400.00 DA

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FINNEGAN HENDERSON FARABOW
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

MAILED

MAY 14 2010

OFFICE OF PETITIONS

In re Application of :
Tomoo Ikeda :
Application No. 11/630,154 : ON PETITION
Filed: December 20, 2006 :
Attorney Docket No. 01165.0968

This is a decision on the petition, filed May 13, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 7, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2837 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

24 JAN 2007

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GREENBERG TRAURIG LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA, CA 90404

In re Application of FERRERO et al :
U.S. Application No.: 11/630,178 :
PCT Application No.: PCT/EP2004/052186 :
Int. Filing Date: 15 September 2004 : DECISION
Priority Date Claimed: 16 September 2003 :
Attorney Docket No.: 078700-040100 :
For: AN OPTICAL VOLTAGE CONTROLLED :
OSCILLATOR FOR AN OPTICAL PHASE :
LOCKED LOOP

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 19 December 2006.

BACKGROUND

On 15 September 2004, applicant filed international application PCT/EP2004/052186, which claimed priority of an earlier Italy application filed 16 September 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 24 March 2005. The thirty-month period for paying the basic national fee in the United States expired on 16 March 2006.

International application PCT/EP2004/052186 became abandoned as to the United States for failure to timely pay the basic national fee.

On 19 December 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

12 JAN 2007

GREENBERG TRAURIG LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA CA 90404

In re Application of:
LOPREIATO, Domenico
U.S. Application No.: 11/630,194
Int'l Application No: PCT/IB2004/003285
Int'l Filing Date: 28 October 2004
Priority Date: 30 October 2003
Atty Docket No.: 078700-040200
For: SYSTEM FOR MONITORING AND SIGNALLING USERS PRESENCE IN A SPATIAL REGION AND PARTNER SEARCH DEVICE

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 19 December 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3).

Applicant has now submitted the basic national fee, and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the United States of America.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
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12 JAN 2007

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MICHAEL P. MORRIS
BOEHRINGER INGELHEIM CORPORATION
900 RIDGEBURY ROAD
P. O. BOX 368
RIDGEFIELD CT 06877-0368

In re Application of :
BOCK et al. :
Application No.: 11/630,212 : DECISION ON PETITION
PCT No.: PCT/EP05/04443 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 26 April 2005 :
Priority Date: 04 May 2004 :
Attorney Docket No.: 1/1696-NS :
For: SOLID PHARMACEUTICAL FORM
COMPRISING AN LTB4 ANTAGONIST

The petition to revive under 37 CFR 1.137(b) filed 20 December 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

01/12/2007 SBASHEIR 00000001 022955 11630212
01 FC:1453 1500.00 DA

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Rainer Scharp	: DECISION ON REQUEST FOR
Patent Number	: 7584694	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/630,218	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **280** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/630,276	12/20/2006	Norbert Knab	R.307630	5013

2119 7590 07/01/2009

RONALD E. GREIGG
GREIGG & GREIGG P.L.L.C.
1423 POWHATAN STREET, UNIT ONE
ALEXANDRIA, VA 22314

EXAMINER	
PAUL, ANTONY M	

ART UNIT	PAPER NUMBER
2837	

MAIL DATE	DELIVERY MODE
07/01/2009	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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GREIGG & GREIGG, P.L.L.C
1423 POWHATAN STREET
SUITE ONE
ALEXANDRIA, VA 22314

In re Application of:	:	
Norbert KNAB et al.	:	DECISION ON PETITION
Serial No.: 11/630,276	:	TO WITHDRAW FINALITY OF OFFICE
Filed: December 20, 2006	:	ACTION
Attorney Docket No.: R. 307630	:	

This is a decision on the petition under 37 C.F.R. 1.181, filed June 3, 2009, requesting that the finality of the Office action of March 3, 2009 be withdrawn.

The petition is GRANTED.

A review of the application file record indicates that the Final Office action issued on March 3, 2009 was prematurely made Final. There were no changes to claim 11, yet a new grounds of rejection was made in the Office action.

Accordingly, the finality of the office action mailed March 3, 2009 is withdrawn and the Advisory action mailed June 17, 2009 is hereby vacated.

The applicant's response filed June 3, 2009 will be entered and forwarded to the examiner for consideration.

Any inquiry regarding this decision should be directed to Walter Benson, Supervisory Patent Examiner, at (571) 272-2227.

John Cabeca, TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

27 MAY 2008

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JONES DAY
222 E.41ST STREET
NEW YORK NY 10017

In re Application of	:	
CHOSET et al.	:	DECISION
Application No.: 11/630,279	:	
PCT No.: PCT/US2005/022442	:	
Int. Filing Date: 24 June 2005	:	
Priority Date: 25 June 2004	:	
Attorney's Docket No.: PAT001174-001/PCT/US	:	
For: STEERABLE, FOLLOW THE LEADER DEVICE	:	

This decision is in response to applicants' submission filed 07 December 2007, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 24 June 2005, applicants filed international application PCT/US2005/022442 which designated the U.S. and claimed a priority date of 25 June 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 August 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 December 2006 (25 December 2006 being a Federal holiday).

On 20 December 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a declaration of inventors

On 05 November 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that the declaration of the inventors filed 20 December 2006 was not in compliance with 37 CFR 1.497(a)-(b) because the first inventor's name was different on the declaration than it was on the international application. A new declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required.

On 07 December 2007, applicants filed the instant submission, which has properly been treated as a petition under 37 CFR 1.181.

DISCUSSION

Petition Under 37 CFR 1.181

The declaration of inventors submitted 20 December 2006 does not comply with 37 CFR 1.497(a)-(b) because it does not list the correct inventorship. There is a difference in names in the first-named inventor between the published international application (Howie Choset) and the declaration of the inventor (Howard M. Choset). Because this difference in names is more than a mere typographical error, a transliteration error, or a phonetic misspelling of applicant's legal name, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of $400 as well as a statement from the inventor.

The response filed 07 December 2007 states that a request under PCT Rule 92bis to change the first inventor's name to correspond to the name on the declaration was filed with the International Bureau on 04 December 2007. However, changes under PCT Rule 92bis must be made within thirty months from the earliest priority date. As noted above, that time period expired 26 December 2006.

Fees

The additional search fee of $200 was charged in error and has been credited to Deposit Account 50-3659. The surcharge under 37 CFR 1.492(h) is still required.

CONCLUSION

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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14 OCT 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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JONES DAY
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NEW YORK NY 10017

In re Application of	:	
CHOSET et al.	:	DECISION
Application No.: 11/630,279	:	
PCT No.: PCT/US2005/022442	:	
Int. Filing Date: 24 June 2005	:	
Priority Date: 25 June 2004	:	
Attorney's Docket No.: PAT001174-001/PCT/US	:	
For: STEERABLE, FOLLOW THE LEADER DEVICE	:	

This decision is in response to applicants' petition under 37 CFR 1.182 filed 30 July 2008.

BACKGROUND

On 24 June 2005, applicants filed international application PCT/US2005/022442 which designated the U.S. and claimed a priority date of 25 June 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 August 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 December 2006 (25 December 2006 being a Federal holiday).

On 20 December 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a declaration of inventors

On 05 November 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that the declaration of the inventors filed 20 December 2006 was not in compliance with 37 CFR 1.497(a)-(b) because the first inventor's name was different on the declaration than it was on the international application. A new declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required.

On 07 December 2007, applicants filed a submission, which was properly treated as a petition under 37 CFR 1.181.

On 27 May 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.181. The decision indicated that there was a difference in names in the first-named inventor between the published international application (Howie Choset) and the declaration of the inventor (Howard M. Choset) and that because this difference in names was more than a mere typographical error, a transliteration error, or a phonetic misspelling of applicant's legal name, a proper petition under 37 CFR 1.182 was required in order to resolve the matter. It was noted that such a petition must be accompanied by the requisite petition fee of $400 as well as a statement from the inventor.

On 30 July 2008, applicants filed the instant petition under 37 CFR 1.182 which was accompanied by a statement from the inventor Howard M. Choset.

DISCUSSION

The petition fee has been paid. The statement from inventor Howard M. Choset is sufficient.

Declaration of Inventors

The declaration of inventors filed 20 December 2006 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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30 MAR 2007
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In re Application of	:	
Fuller et al.	:	
Application No.: 11/630,296	:	DECISION
PCT No.: PCT/US04/19886	:	
Int. Filing Date: 21 June 2004	:	ON
Priority Date: N/A	:	
Attorney Docket No.: 30515/8:5	:	PETITION
For: Vehicle Safety Zone System	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 12 March 2007.

BACKGROUND

This international application was filed on 21 June 2004, claimed no earlier priority date, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 21 December 2006. Applicants filed *inter alia* the basic national fee on 19 December 2006.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding requirement (1), the $200.00 petition fee was paid on 12 March 2007.

Regarding requirement (2), petitioner urges that the absence on the declaration of the signature of joint inventor Melvin M. Priday be excused because he allegedly "refuses to join the application." Counsel's attention is respectfully drawn to MPEP 409.03(d), which states in part:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the

The $65.00 surcharge under 37 CFR 1.492(h) is being charged to Deposit Account no. 19-4455, as authorized by the instant petition.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **12 March 2007**.

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04/04/2007 SBASHEIR 00000001 194455 11630296
01 FC:2617 65.00 DA

application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal. When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition

Petitioner has provided a "Statement Of Facts In Support Of Petition" signed by John A. Rafter, Jr. which describes Atty. Rafter's efforts to obtain Mr. Priday's signature on a declaration of inventorship. Atty. Rafter indicates that he sent correspondence, including a declaration and a copy of "the published PCT application," to Mr. Priday's stated last-known address on 17 November 2006, 13 December 2006, and 04 January 2007, and that "A response was not received" to each of said parcels. Copies of the cover letters for each of said mailings have been provided, as well as copies of an Express Mail label and tracking results for the 13 December 2006 mailing, a stamped Certified Mail receipt for the 04 January 2007 mailing, and a Domestic Return Receipt signed as received by "Debbie Priday" on 05 January 2007. Based on the totality of the evidence presented, it would be appropriate to construe Mr. Priday's failure to return an executed declaration as evidence of refusal to execute the application within the meaning of 37 CFR 1.47(a). Requirement (2) therefore has been satisfied.

Regarding requirement (3), the petition includes a statement of Mr. Priday's last known address. Accordingly, requirement (3) has been satisfied.

Regarding requirement (4), the declaration filed on 12 March 2007 has been signed by joint inventors Timothy C. Fuller and Paul A. Comfort on behalf of themselves and non-signing joint inventor Melvin M. Priday. This declaration is acceptable for purposes of compliance with requirement (4).

DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**.

30 MAR 2007

United States Patent and Trademark Office

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Melvin M. Priday
8695 SE Roots Road
Clackamas, OR 97015

In re Application of
Fuller et al.
Application No.: 11/630,296
PCT No.: PCT/US04/19886
Int. Filing Date: 21 June 2004
Priority Date: N/A
For: Vehicle Safety Zone System

Dear Mr. Priday:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of a joint inventor. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Melvin M. PRIDAY) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/US2004/019886 and was filed on June 21, 2004 in the names of Timothy C. FULLER, Paul A. COMFORT and Melvin M. PRIDAY for the invention entitled VEHICLE SAFETY ZONE SYSTEM. The national stage application number is 11/630,296 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of March 12, 2007.

15 SEP 2008

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In re Application of:	:	
Tutone	:	
Application No.: 11/630,316	:	
PCT Appln. No.: PCT/AU2006/000883	:	
Int. Filing Date: 22 June 2006	:	
Priority Date: 22 June 2005	:	DECISION
Attorney Docket No.: Q98929	:	
For: Methods And Systems For Offering And Selling Advertising	:	

This is in response to the petition under 37 CFR 1.182 filed on 11 July 2008.

BACKGROUND

International application PCT/AU2006/000883 was filed on 22 June 2006, claimed an earliest priority date of 22 June 2005, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 28 December 2006. The 30 month period for payment of the basic national fee in the U.S. ended as of midnight on 22 December 2007. On 21 December 2006, applicants filed *inter alia* the basic fee.

On 07 March 2008, a Notice of Acceptance (Form PCT/DO/EO/903) was mailed to applicant, reflecting a date under 35 U.S.C. 371(c)(1), (2) and (4) of "03/27/2007."

DISCUSSION

The petition states that

> Applicant submits that application papers were filed on December 21, 2006, requesting National stage under 35 U.S.C. § 371 of PCT/AU2006/000883; however, applicant's intent was to file the above-identified application as a Continuation Application, under 35 U.S.C. § 111(a) and 37 C.F.R. § 1.53 of PCT/AU2006/000883. Therefore, applicant respectfully requests that the above-identified application be examined as a Continuation Application, under 35 U.S.C. § 111(a) and 37 C.F.R. § 1.53.

The USPTO has adopted a bright-line test for determining whether application papers will be processed under 35 U.S.C. 371 or alternatively under 35 U.S.C. 111(a). Under this standard, any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official PTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage

of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.

To clearly indicate an international application is being filed under 35 U.S.C. 371 the applicant should use the "Transmittal Letter for United States Designated Office" (Form PTO-1390) as the transmittal letter.

Alternatively, one of the following indications may be used:

1) the applicant shall clearly state in the transmittal or cover letter that he or she is filing under 35 U.S.C. 371 or entering the national stage under PCT; or

2) the applicant clearly identifies in the oath or declaration the specification to which it is directed by referring to a particular international application by PCT Serial Number and International Filing Date and that he or she is executing the declaration as, and seeking a U.S. Patent as, the inventor of the invention described in the identified international application.

Inspection of the correspondence filed on 21 December 2006 reveals that the Transmittal Letter identified the accompanying papers and fees as directed toward the national stage under 35 U.S.C. 371 of PCT/AU2006/000883. The Transmittal Letter specifically indicated that the basic national fee was being paid. These indicia in the submission of 21 December 2006 constituted instructions that processing under 35 U.S.C. 371 was desired, and no contrary instructions requesting processing under 35 U.S.C. 111(a) appear to have been present on 21 December 2006. Therefore, the submission was properly processed under 35 U.S.C. 371.

Counsel states that applicant intended to file a continuation application under 35 U.S.C. 111(a), but applicant has not advanced any substantial reason (e.g., loss of rights) to change the status of this national stage application under 35 U.S.C. 371 to the status of an application filed under 35 U.S.C. 111(a). It appears that maintaining the present status of this application under 35 U.S.C. 371 will not result in any loss of rights to applicant. The U.S. Statutes and Regulations do not make specific provision for conversion of applications, and as such the USPTO does not grant such petitions for conversion as a mere matter of course. Since petitioner has not shown sufficient cause (e.g., loss of rights) or lack of availability of an alternative remedy, it would be appropriate, and consistent with the policy considerations described above, to continue processing this application under 35 U.S.C. 371.

DECISION

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

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1 5 JAN 2009

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In re Application of:	:	
Tutone	:	
Application No.: 11/630,316	:	
PCT Appln. No.: PCT/AU2006/000883	:	
Int. Filing Date: 22 June 2006	:	
Priority Date: 22 June 2005	:	DECISION
Attorney Docket No.: Q98929	:	
For: Methods And Systems For Offering And Selling Advertising	:	

This is in response to the renewed petition under 37 CFR 1.182 filed on 17 November 2008.

DISCUSSION

In a Decision mailed on 15 September 2008, the petition under 37 CFR 1.182 filed on 11 July 2008 was dismissed, without prejudice, because

> *Inspection of the correspondence filed on 21 December 2006 reveals that the Transmittal Letter identified the accompanying papers and fees as directed toward the national stage under 35 U.S.C. 371 of PCT/AU2006/000883. The Transmittal Letter specifically indicated that the basic national fee was being paid. These indicia in the submission of 21 December 2006 constituted instructions that processing under 35 U.S.C. 371 was desired, and no contrary instructions requesting processing under 35 U.S.C. 111(a) appear to have been present on 21 December 2006. Therefore, the submission was properly processed under 35 U.S.C. 371.*
>
> *Counsel states that applicant intended to file a continuation application under 35 U.S.C. 111(a), but applicant has not advanced any substantial reason (e.g., loss of rights) to change the status of this national stage application under 35 U.S.C. 371 to the status of an application filed under 35 U.S.C. 111(a). It appears that maintaining the present status of this application under 35 U.S.C. 371 will not result in any loss of rights to applicant. The U.S. Statutes and Regulations do not make specific provision for conversion of applications, and as such the USPTO does not grant such petitions for conversion as a mere matter of course. Since petitioner has not shown sufficient cause (e.g., loss of rights) or lack of availability of an alternative remedy, it would be appropriate, and consistent with the policy considerations described above, to continue processing this application under 35 U.S.C. 371.*

In response, petitioner argues that a potential loss of rights pertains to this case because the international application "contains disclosure materials that differ from the disclosure materials in" the present application. Petitioner therefore "requests that the above-identified application be examined as a Continuation Application, under 35 U.S.C. § 111(a) and 37 C.F.R. § 1.53." That is, petitioner is requesting that the present application be treated as a bypass continuation-in-part of the international application.

The situation presented in the instant case is analogous to the filing of a similar preliminary amendment or substitute specification in a request for a CPA or RCE, as discussed at MPEP 201.06(d). As such, it would not be appropriate to grant the requested conversion of this

application. Instead, petitioner is required to file a renewed petition under 37 CFR 1.182 identifying and requesting removal from the present application file of the specific "disclosure materials that differ from" those present in the international application, and requesting treatment of said materials being removed as a new (CIP) application filed under 35 U.S.C. 111(a). Said renewed petition should be accompanied by the appropriate filing fee payment for the application as filed under 35 U.S.C. 111(a), as well as any application papers which would be required to create a complete application file (e.g., specification, claims and drawings) for the 35 U.S.C. 111(a) application.

DECISION

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." Extensions of time may be obtained under 37 CFR 1.136(a).

This application is being returned to the Office of Patent Application Processing for further processing under 35 U.S.C. 371.

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3 1 AUG 2009

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In re Application of:	:	
Tutone	:	
Application No.: 11/630,316	:	
PCT Appln. No.: PCT/AU2006/000883	:	
Int. Filing Date: 22 June 2006	:	
Priority Date: 22 June 2005	:	DECISION
Attorney Docket No.: Q98929	:	
For: Methods And Systems For Offering And Selling Advertising	:	

This is in response to the renewed petition under 37 CFR 1.182 filed on 16 March 2009.

DISCUSSION

In a Decision mailed on 15 January 2009, the petition under 37 CFR 1.182 filed on 17 November 2008 was dismissed, without prejudice, because

> The situation presented in the instant case is analogous to the filing of a similar preliminary amendment or substitute specification in a request for a CPA or RCE, as discussed at MPEP 201.06(d). As such, it would not be appropriate to grant the requested conversion of this application. Instead, petitioner is required to file a renewed petition under 37 CFR 1.182 identifying and requesting removal from the present application file of the specific "disclosure materials that differ from" those present in the international application, and requesting treatment of said materials being removed as a new (CIP) application filed under 35 U.S.C. 111(a). Said renewed petition should be accompanied by the appropriate filing fee payment for the application as filed under 35 U.S.C. 111(a), as well as any application papers which would be required to create a complete application file (e.g., specification, claims and drawings) for the 35 U.S.C. 111(a) application.

In response, petitioner requests that the USPTO "remove from the present application file the text shown in the attached annotated specification as originally filed in the above identified application. A clean version of that annotated specification, with the strike-out portions removed, also is enclosed." Petitioner's reference to the "annotated specification" is understood to refer to the 76-sheet document filed on 16 March 2009, including a marked-up specification. This document includes 55 sheets of specification, 20 sheets of claims and 1 sheet of abstract. Petitioner also has provided a set of drawings appearing on 18 sheets. These numbers of sheets correlate with the respective numbers of sheets of a specification, claims, drawings and abstract filed on 21 December 2006, whereas the published international application included 48 sheets of description, 16 sheets of claims (including 81 claims) and 14 sheets of drawings. These numbers of sheets/claims included in the published international application correspond with the numbers of sheets/claims included in respective papers, filed on 16 March 2009, which petitioner appears to characterize as a "clean version of that annotated specification." Thus, it is not sufficiently clear whether petitioner is requesting removal of the sheets corresponding to the published international application, or removal of the sheets embodying the "specific disclosure materials that differ from" those present in the international

application. Petitioner may wish to specify, for instance, that it is the 55-sheet specification filed on 21 December 2006 which is to be removed from the instant application file.

Petitioner requests that "the enclosed copy of the original national stage application, including specification, drawings and claims, as well as declaration, [be] used to create a new application under 35 U.S.C. § 111(a)." In view of the discussion appearing above, it is not certain whether petitioner is requesting, for instance, that the 55-sheet specification filed on 21 December 2006 be used as the specification for the application under 35 U.S.C. 111(a), or alternatively whether petitioner is requesting that sheets corresponding to the published international application be used. It is recommended that petitioner clearly identify which papers are to be removed from the instant application file and placed in the 35 U.S.C. 111(a) application file; such identification might involve specifying the number of sheets of each application part to be removed and used. Petitioner is advised that the purported new application under 35 U.S.C. 111(a) has been assigned a preliminary application number of 12/454,364. However, clarification of the ambiguities discussed in this Decision is required.

DECISION

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
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3 MAY 2010

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In re Application of:
Tutone
Application No.: 11/630,316
PCT Appln. No.: PCT/AU2006/000883
Int. Filing Date: 22 June 2006
Priority Date: 22 June 2005
Attorney Docket No.: Q98929
For: Methods And Systems For Offering And Selling Advertising

DECISION

This is in response to the renewed petition under 37 CFR 1.182 filed on 01 March 2010.

DISCUSSION

In a Decision mailed on 31 August 2009, the renewed petition under 37 CFR 1.182 filed on 16 March 2009 was dismissed, without prejudice, because petitioner had not adequately identified the papers sought to be removed from the instant application and placed into the CIP application under 35 U.S.C. 111(a), namely application number 12/454,364.

In response, petitioner has clarified the specific sheets to be removed from this application and placed in 12/454,364. Based on the totality of the circumstances presented, it would be appropriate to accept petitioner's request to remove the specified documents from this application file and place them in 12/454,364, and accordingly such action has been taken.

Any period of adjustment to the term of a patent under 35 U.S.C. 154(b)(May 29, 2000) in either application No. 11/630,316 or application No. 12/454,364 may be reduced by the period of time beginning on the filing date accorded under 35 U.S.C. 111 and ending on the mailing date of this decision. See 37 CFR 1.704(a).

This Decision does not affect the period for response to the Decision mailed in 12/454,364 on 14 April 2010, treating the petition under 37 CFR 1.47(b) filed therein.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**, as described above.

A copy of this Decision is being placed in 12/454,364.

This application is being returned to Technology Center 3622 for continued processing.

/George Dombroske/
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1 MAY 2010

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www.uspto.gov

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of:	:	
Tutone	:	
Application No.: 11/630,316	:	
PCT Appln. No.: PCT/AU2006/000883	:	
Int. Filing Date: 22 June 2006	:	
Priority Date: 22 June 2005	:	DECISION
Attorney Docket No.: Q98929	:	
For: Methods And Systems For Offering And Selling Advertising	:	

This is in response to the renewed petition under 37 CFR 1.182 filed on 01 March 2010.

DISCUSSION

In a Decision mailed on 31 August 2009, the renewed petition under 37 CFR 1.182 filed on 16 March 2009 was dismissed, without prejudice, because petitioner had not adequately identified the papers sought to be removed from the instant application and placed into the CIP application under 35 U.S.C. 111(a), namely application number 12/454,364.

In response, petitioner has clarified the specific sheets to be removed from this application and placed in 12/454,364. Based on the totality of the circumstances presented, it would be appropriate to accept petitioner's request to remove the specified documents from this application file and place them in 12/454,364, and accordingly such action has been taken.

Any period of adjustment to the term of a patent under 35 U.S.C. 154(b)(May 29, 2000) in either application No. 11/630,316 or application No. 12/454,364 may be reduced by the period of time beginning on the filing date accorded under 35 U.S.C. 111 and ending on the mailing date of this decision. See 37 CFR 1.704(a).

This Decision does not affect the period for response to the Decision mailed in 12/454,364 on 14 April 2010, treating the petition under 37 CFR 1.47(b) filed therein.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**, as described above.

A copy of this Decision is being placed in 12/454,364.

This application is being returned to Technology Center 3622 for continued processing.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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.
11/630,336	12/21/2006	Wataru Shoji	IRD-0020	4253

7590 07/09/2009

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER	
ALI, FARHAD	

ART UNIT	PAPER NUMBER
2446	

MAIL DATE	DELIVERY MODE
07/09/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Tom Farmer

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

23 DEC 2008

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Honeywell International
Patent Service
101 Columbia Road
Mail Stop AB/2B
Morristown NJ 07962

In re Application of :
KNEPPER, et al. :
Application No.: 11/630,357 :
PCT No.: PCT/US05/23597 : DECISION ON PETITION
Int. Filing Date: 01 July 2005 :
Priority Date: 02 July 2004 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: H0003081 :
For: FUNCTIONALIZED SILICON COMPOUNDS :

This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) filed 09 December 2008 in the above-captioned application. The petition is hereby **DISMISSED** as follows:

The application was abandoned for failure to respond to the Form PCT/DO/EO/905 mailed 16 November 2007 requiring the filing of an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b). However, the presently filed declaration is defective and is insufficient to satisfy the oath or declaration requirement of 35 CFR 371(c)(4) for entry into the national stage in the United States of America. Specifically, the declaration submitted includes an alteration in the signature box for inventor Knepper that has not been initialed and dated by the inventor. (See MPEP §605.04(a) and 37 CFR 1.52(c)). In addition, it appears that the inventor has crossed out his US citizenship. Lastly, MPEP Section 201.03 states that:

> An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

The filed declaration contains two pages numbered "7/10." This suggests that either the filed declaration was compiled from numerous declarations or that the inventors only returned their signature pages. Either scenario renders the document non-compliant.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

Please direct further correspondence with respect to this matter to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

19 FEB 2009

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Honeywell International
Patent Service
101 Columbia Road
Mail Stop AB/2B
Morristown NJ 07962

In re Application of :
KNEPPER, et al. :
Application No.: 11/630,357 :
PCT No.: PCT/US05/23597 : DECISION ON PETITION
Int. Filing Date: 01 July 2005 :
Priority Date: 02 July 2004 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: H0003081 :
For: FUNCTIONALIZED SILICON COMPOUNDS :

The renewed petition to revive under 37 CFR 1.137(b) filed 17 February 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant previously provided a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided a compliant, executed combined declaration and power of attorney of the inventors. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 01 July 2005 under 35 U.S.C. 363 and will be given a date of **17 February 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

COPY MAILED

DEC 29 2009

OFFICE OF PETITIONS

In re Application of :
DALLIES, Eric et al. :
Application No. 11/630,400 : DECISION ON PETITION
Filed: January 30, 2007 : TO WITHDRAW
Attorney Docket No. **26227** : FROM RECORD
:

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, 2009.

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 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. has been revoked by the assignee of the patent application on November 11, 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: **OWENS CORNING**
2790 COLUMBUS ROAD
GRANVILLE OH 43023

United States Patent and Trademark Office

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MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

10 JAN 2007

In re Application of	:	
Kakkis	:	
Application No.: 11/630,446	:	DECISION
PCT No.: PCT/US04/28135	:	
Int. Filing Date: 30 August 2004	:	ON
Earliest Priority Date: 29 August 2003	:	
Attorney Docket No.: 30610/39568A	:	PETITION
For: Delivery Of Therapeutic Compounds To The Brain And Other Tissues	:	

The petition to revive under 37 CFR 1.137(b) filed 21 December 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." This statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

DATE 08 JAN 2008 APPLICATION NUMBER 11/630,469

DOC CODE SETDEC.OPC DOC DATE 07 JAN 2008

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

07 JAN 2008

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POTOMAC PATENT GROUP PLLC
P. O. BOX 270
FREDERICKSBURG VA 22404

In re Application of	:	
STROMBECK et al.	:	
Application No.: 11/630,469	:	DECISION
PCT No.: PCT/SE2005/000898	:	
Int. Filing Date: 14 June 2005	:	
Priority Date: 22 June 2004	:	
Attorney Docket No.: 0904-016	:	
For: SURVEILLANCE SYSTEM FOR REAL-TIME THREAT MONITORING	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 29 November 2007 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 14 June 2005, applicants filed international application PCT/SE2005/000898, which designated the United States and claimed a priority date of 22 June 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 29 December 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 December 2006.

On 21 December 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 06 November 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required. The NOTIFICATION set a two-month extendable period for response.

On 28 November 2007, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, the surcharge under 37 CFR 1.492(h), a declaration of inventors, and a copy of an e-mail from non-signing inventor Jan Nilsson to Christel Sahlin dated 09 March 2007 and an English translation thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1), (3), and (4) have been satisfied.

Item (2) has not been satisfied. To establish a refusal to sign, it is required that the inventor be presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)." Here, it is not clear whether Jan Nilsson was presented with a copy of the application papers. Regarding the refusal of Jan Nilsson, MPEP § 409.03(d) states in part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

The refusal was made to Christel Sahlin but a statement of facts by this person has not been presented.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. A proper response must specify whose signature is below non-signing inventor Fergus Francis Murray's name. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
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PCT Legal Affairs
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Telephone: (571) 272-3301
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2 4 JUN 2008

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FREDERICKSBURG VA 22404

In re Application of	:	
STROMBECK et al.	:	
Application No.: 11/630,469	:	DECISION
PCT No.: PCT/SE2005/000898	:	
Int. Filing Date: 14 June 2005	:	
Priority Date: 22 June 2004	:	
Attorney Docket No.: 0904-016	:	
For: SURVEILLANCE SYSTEM FOR REAL-TIME THREAT MONITORING	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 07 April 2008 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 14 June 2005, applicants filed international application PCT/SE2005/000898, which designated the United States and claimed a priority date of 22 June 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 29 December 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 December 2006.

On 21 December 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 06 November 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required. The NOTIFICATION set a two-month extendable period for response.

On 29 November 2007, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, the surcharge under 37 CFR 1.492(h), a declaration of inventors, and a copy of an e-mail from non-signing inventor Jan Nilsson to Christel Sahlin dated 09 March 2007 and an English translation thereof.

On 07 January 2008, a decision was issued from the USPTO indicating that the petition under 37 CFR 1.47(a) was dismissed without prejudice. Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided.

On 07 April 2008, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time and a statement of facts by Christel Sahlin.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision dated 07 January 2008, items (1), (3), and (4) have been satisfied.

Item (2) still has not been satisfied. Although a statement of facts has been provided by Christel Sahlin, it is still not clear whether non-signing inventor Jan Nilsson was presented with a copy of the application papers. As noted in the decision dated 07 January 2008, to establish a refusal to sign, it is required that the inventor be presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)."

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. A proper response must specify whose signature is below non-signing inventor Fergus Francis Murray's name. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

On 07 January 2008, a decision was issued from the USPTO indicating that the petition under 37 CFR 1.47(a) was dismissed without prejudice. Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided.

On 07 April 2008, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time and a statement of facts by Christel Sahlin.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision dated 07 January 2008, items (1), (3), and (4) have been satisfied.

Item (2) still has not been satisfied. Although a statement of facts has been provided by Christel Sahlin, it is still not clear whether non-signing inventor Jan Nilsson was presented with a copy of the application papers. As noted in the decision dated 07 January 2008, to establish a refusal to sign, it is required that the inventor be presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)."

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. A proper response must specify whose signature is below non-signing inventor Fergus Francis Murray's name. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
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UNITED STATES PATENT AND TRADEMARK OFFICE

02 DEC 2008

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FREDERICKSBURG VA 22404

In re Application of	:	
STROMBECK et al.	:	
Application No.: 11/630,469	:	DECISION
PCT No.: PCT/SE2005/000898	:	
Int. Filing Date: 14 June 2005	:	
Priority Date: 22 June 2004	:	
Attorney Docket No.: 0904-016	:	
For: SURVEILLANCE SYSTEM FOR REAL-TIME THREAT MONITORING	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 19 September 2008 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 14 June 2005, applicants filed international application PCT/SE2005/000898, which designated the United States and claimed a priority date of 22 June 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 29 December 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 December 2006.

On 21 December 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 06 November 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required. The NOTIFICATION set a two-month extendable period for response.

On 29 November 2007, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, the surcharge under 37 CFR 1.492(h), a declaration of inventors, and a copy of an e-mail from non-signing inventor Jan Nilsson to Christel Sahlin dated 09 March 2007 and an English translation thereof.

On 07 January 2008, a decision was issued from the USPTO indicating that the petition under 37 CFR 1.47(a) was dismissed without prejudice. Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided.

On 07 April 2008, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time and a statement of facts by Christel Sahlin.

On 24 June 2008, a decision was issued from the USPTO indicating that the petition under 37 CFR 1.47(a) was dismissed without prejudice. Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided.

On 19 September 2008, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time. a copy of a cover letter from Lars Estreen to non-signing inventor Jan Nilsson dated 11 August 2008, a copy of the application papers included with the cover letter, and a copy of tracking results for the package.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision dated 07 January 2008, items (1), (3), and (4) have been satisfied.

Item (2) has now been met. It has been established that Mr. Nilsson refuses to sign (renewed petition filed 07 April 2008) and that he was presented with a complete copy of the application papers (renewed petition filed 19 September 2008).

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **29 November 2007**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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Mr. Jan Nilsson
Anders Gorens vag 3
SE-236 41 Hollviken
Sweden

In re Application of
STROMBECK et al.
Application No.: 11/630,469
PCT No.: PCT/SE2005/000898
Int. Filing Date: 14 June 2005
Priority Date: 22 June 2004
Attorney Docket No.: 0904-016
For: SURVEILLANCE SYSTEM FOR REAL-TIME THREAT MONITORING

Dear Mr. Nilsson:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
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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

Mr. Jan Nilsson
Kiviks St. v. 61
27732 KIVIK
SWEDEN

In re Application of
STROMBECK et al.
Application No.: 11/630,469
PCT No.: PCT/SE2005/000898
Int. Filing Date: 14 June 2005
Priority Date: 22 June 2004
Attorney Docket No.: 0904-016
For: SURVEILLANCE SYSTEM FOR REAL-TIME THREAT MONITORING

Dear Mr. Nilsson:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

In re Application of	:	
Duailibi et al.	:	
Application No.: 11/630,476	:	DECISION
PCT No.: PCT/BR2005/000121	:	
Int. Filing Date: 23 June 2005	:	ON
Priority Date: 23 June 2004	:	
Attorney Docket No.: 007168.00001	:	PETITION
For: Use Of Stem Cells, Method Of Tissue Engineering, Use Of Dental Tissues And Tooth Biological Substitute	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 04 April 2008.

BACKGROUND

This international application was filed on 23 June 2005, claimed an earlier priority date of 23 June 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 05 January 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 23 December 2006. Applicants filed *inter alia* the basic national fee on 22 December 2006.

On 06 September 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of additional claims fees, an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, the $200.00 petition fee has been paid.

Regarding **requirement (2)**, petitioner seeks relief under 37 CFR 1.47(a) on the basis that The Massachusetts General Hospital Corporation allegedly refuses to permit joint inventor Dr. Vacanti to execute the application. Counsel's attention is respectfully drawn to MPEP 409.03(d), which states in part:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application

papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal. When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has provided copies of two emails. The first, sent to Dr. Vacanti, merely indicates that "the mentioned request demands" certain "formal steps," without clearly indicating that he is being presented with a copy of the application and an oath or declaration for his signature, with respect to this U.S. national stage application. The other email, represented as coming from a "licensing associate," indicates that the "Hospital will not pay for patent prosecution costs" and that "the Hospital will not sign off on the Power of Attorney document." Neither of these documents, either taken together or separately, shows that Dr. Vacanti himself has refused to execute the application after having been presented with a complete copy of the application and an oath or declaration for his signature. Nor has petitioner shown that he could not be found or reached after diligent effort. As such, , following the policy described at MPEP 409.03(d), it would not be appropriate to conclude that requirement (2) has been satisfied at this time.

Regarding **requirement (3)**, the petition provides a statement of the last known address of the non-signing inventor. However, it is noted that the specific number on Fruit Street has not been identified. Counsel is required to supplement the statement of the last known address with this number to the extent that this is appropriate and available.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 04 April 2008 reveals that the copy signed by Pamela Yelick names the non-signing inventor as "VACANTI Joseph P.," whereas the copy signed by the other inventors names him as "VACANT Joseph P.," and the published international application also nominates "VACANT, Joseph P." The petition refers to him by the name Dr. Vacanti. In view of this discrepancy, it would not be appropriate to accept the declaration at this time.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

1 1 AUG 2008

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1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

In re Application of	:	
Duailibi et al.	:	
Application No.: 11/630,476	:	DECISION
PCT No.: PCT/BR2005/000121	:	
Int. Filing Date: 23 June 2005	:	ON
Priority Date: 23 June 2004	:	
Attorney Docket No.: 007168.00001	:	PETITION
For: Use Of Stem Cells, Method Of Tissue Engineering, Use Of Dental Tissues And Tooth Biological Substitute	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 30 June 2008.

DISCUSSION

In a Decision mailed on 06 June 2008, the petition under 37 CFR 1.47(a) filed on 04 April 2008 was dismissed, without prejudice, because petitioner had not adequately demonstrated the alleged refusal of non-signing inventor Dr. Joseph Vacanti, because the last known address was incomplete, and because

> inspection of the declaration of inventorship filed on 04 April 2008 reveals that the copy signed by Pamela Yelick names the non-signing inventor as "VACANTI Joseph P.," whereas the copy signed by the other inventors names him as "VACANT Joseph P.," and the published international application also nominates "VACANT, Joseph P." The petition refers to him by the name Dr. Vacanti. In view of this discrepancy, it would not be appropriate to accept the declaration at this time.

In response, petitioner has provided a declaration executed by Joseph Vacanti, thereby rendering the petition under 37 CFR 1.47(a) MOOT. In addition, counsel asserts that the correct spelling of the inventor's name is "VACANTI," and that "The spelling 'VACANT' on the published international application and on the copy of the Declaration signed by Silvia Eduardo Dualibi and Monica Talarico Dualibi is an inadvertent clerical error." In view of the policy described at MPEP 605.04(b), it would be appropriate to accept the declaration despite the discrepancy in the spelling of Dr. Vacanti's name. Petitioner is encouraged to use an application data sheet to assure that the proper spelling is used, per MPEP 605.04(b).

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**, without prejudice.

This application is being forwarded to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **30 June 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Micha Kalbhenn	: DECISION ON REQUEST FOR
Patent Number	: 7570544	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/630,484	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Joerg Hilsebecher	: DECISION ON REQUEST FOR
Patent Number	: 7663534	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/630,486	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

In re Application of RAPP Application No.: 11/630,503 PCT Application No.: PCT/DE05/00998 Int'l Filing Date: 02 June 2005 Priority Date: 22 June 2004 Attorney Docket No.: F-9315 For: PRESS, GUIDE FOR A GUIDE ELEMENT OF A PRESS	DECISION ON PETITION under 37 CFR 1.182

This is a decision on applicant's "Petition under 37 CFR 1.182 to Transfer Previously Filed Documents with Incorrect Serial Number to the Patent Office File Having the Correct Serial Number" filed in the United States Patent and Trademark Office on 24 September 2007. Applicant, in effect, requests correction of the U.S. national stage application number in the national stage application papers filed in the United States Patent and Trademark Office on 06 June and 02 July 2007. The $400 petition fee has been charged to applicant's deposit account per his authorization.

On 24 September 2007, applicant filed the instant petition under 37 CFR 1.182 to correct the U.S. national stage application number to 11/**630**,503 on papers originally on 06 June and 02 July 2007, which incorrectly referenced 11/**603**,503 on the transmittal letters and other papers filed.

Applicant's petition under 37 CFR 1.182 to correct the national stage application number to 11/630,503 on papers filed on 06 June and 2 July 2007 is **GRANTED**. The papers filed on 06 June and 2 July 2007 in 11/**603**,503 will be moved to 11/**630**,503.

This application is being returned to the National Stage Processing Branch of the Office of PCT Operations for processing in accord with this decision, including correcting USPTO records so as to correct the application number on papers filed on 06 June and 2 July 2007 in 11/**603**,503 to 11/**630**,503.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

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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	: Shunsuke Hosokawa	: DECISION ON REQUEST FOR
Patent Number	: 7597866	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/630,528	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **199** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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30 JAN 2009

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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
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MONROE CT 06468

In re Application of	:	
SCHWOERER, et al.	:	
Application No.: 11/630,537	:	DECISION ON PETITION
PCT No.: PCT/FI04/00390	:	
Int. Filing Date: 28 June 2004	:	UNDER 37 CFR 1.181
Priority Date: None	:	
Attorney Docket No.: 915-001.101	:	
For: FFT CARRIER FREQUENCY OFFSET ESTIMATION FOR OFDM SIGNAL	:	

This decision is in response to applicant's "Letter in Response to Notification of Abandonment" filed 27 October 2008 in the United States Patent and Trademark Office (USPTO). The request is being treated pursuant to 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 28 June 2004, applicant filed international application PCT/FI04/00390. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 05 January 2006. The deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 28 December 2006.

On 21 December 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment and an Information Disclosure Statement.

On 15 November 2007, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide a signed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file a proper response.

On 23 September 2008, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) informing applicant that applicant had failed to respond to the Form PCT/DO/EO/905 mailed 15 November 2007 within the time period set therein and that above-identified application was abandoned as to the United States.

On 27 October 2008, applicant filed the present petition arguing that a response to the Form PCT/DO/EO/905 had been filed on 20 November 2007.

DISCUSSION

The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. (See MPEP 503). An examination of the petition finds that applicant has provided a copy of the date-stamped postcard receipt, as well as, a complete copy of the prior filing and a statement that the copy currently provided is a copy of the papers filed on 20 November 2007. The postcard identifies the application by serial number, title, applicant and attorney docket number. Among the items listed on the receipt is: "Declaration (1 Page)." The receipt is stamped "IAP16 Rec'd PCT/PTO 20 NOV 2007." The postcard has not been annotated in any way to indicate that any of the listed items were not received. Thus, it is clear that applicant filed an executed declaration on 20 November 2007. Thus, it is proper to grant applicant's petition to withdraw the holding of abandonment for failure to file a response.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/909 mailed 23 September 2008 is hereby **VACATED**.

The application has an international filing date of 28 June 2004 under 35 U.S.C. 363 and will be given a date of **20 November 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a filing receipt indicating the correct 371 date as detailed above.

Derek A. Putonen
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C. JAMES BUSHMAN
5851 SAN FELIPE
SUITE 975
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MAILED

APR 09 2010

OFFICE OF PETITIONS

In re Application of :
Holger Ziehe :
Application No. 11/630,560 : DECISION ON PETITION
Filed: January 24, 2004 :
Attorney Docket No. MULLER-64 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 20, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed October 20, 2009. Accordingly, the date of abandonment of this application is January 21, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510 and the publication fee of $300, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data Management for processing into a patent.

April M. Wise
Petitions Examiner
Office of Petitions

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

MAILED

APR 22 2010

OFFICE OF PETITIONS

Applicant: Martin Geiger, et al.
Appl. No.: 11/630,563
International Filing Date: June 20, 2005
Title: METHOD FOR SETTING THE AIR RATIO ON A FIRING DEVICE
Attorney Docket No.: 4191-000009/S/NP
Pub. No.: US 2009/0017403 A1
Pub. Date: January 15, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 10, 2009, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the spelling of the assignee's name is incorrect.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable**." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error on the front page of the published patent application wherein the spelling of the assignee's name EBM-PAPST LANDSHUT GMBH is incorrectly listed as EBM-PAPAST LANDSHUT GMGH is not a material Office error under 37 CFR 1.221(b). The misprinting of the assignee's name does not affect the understanding of the application. The error in assignment information is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130. Applicant should not file requests for

[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).

corrected publication when a publication includes errors in the assignee's name or assignment information. See MPEP 1130.

On October 6, 2008, and November 26, 2008, a Filing Receipt was mailed by the Office, which incorrectly listed the assignee's name. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DRW Jun-09

HEATHER M. BARNES
BROUSE MCDOWELL, LPA
STE. 500
388 S. MAIN STREET
AKRON OH 44311-4407

MAILED

JUN 0 4 2009

OFFICE OF PETITIONS

In re Application of :
Joon Ha Hwang :
Application Number: 11/630580 : ON PETITION
Filing Date: 12/22/2006 :
Attorney Docket Number: :
22470.44491 :

This is a decision on the petition to withdraw the holding of abandonment filed on April 22, 2009.

This application was held abandoned on October 6, 2008, for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application mailed on August 5, 2008, which set a two (2) month shortened period for reply. Notice of Abandonment was mailed on April 10, 2009.

Petitioner asserts that the Notice to File Missing Parts of Nonprovisional Application mailed on August 5, 2008 was never received. In support of that allegation, petitioners submitted a statement by registered patent practitioner Heather M. Barnes, stating that a search of the practitioner's records, including 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 is provided with referenced in the practitioner's statement.

A review of the record indicates no irregularity in the mailing of the Notice to File Missing Parts of Nonprovisional Application mailed on August 5, 2008, 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 August 5, 2008 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 August 5, 2008 was not in fact received.

MPEP 711.03(c) states, in pertinent part:

In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted

> as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The docket report provided with the petition appears to be a master docket and is being so construed. Petitioner must inform the Office if this is an incorrect interpretation.

Petitioner has made a sufficient showing that the Notice to File Missing Parts of Nonprovisional Application mailed on August 5, 2008 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 of the filing fees and declaration required by the Notice to File Missing Parts of Nonprovisional Application mailed on August 5, 2008, is acknowledged.

Accordingly, there is no need to remail the Notice to File Missing Parts of Nonprovisional Application mailed on August 5, 2008. Rather, the application is being forwarded 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.

/D Wood/

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
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DNW Apr-08

BROUSE MCDOWELL LPA
388 SOUTH MAIN STREET
SUITE 500
AKRON OH 44311

COPY MAILED

APR 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Joon Ha Hwang	:	
Application Number: 11/845246	:	DECISION ON PETITION
Filing Date: 08/27/2007	:	
Attorney Docket Number:	:	
22470.44491	:	

This is a decision in reference to the "PETITION TO ACCEPT COPIES OF EARLIER FILED APPLICATION" filed on August 27, 2007, which is treated as a petition under 37 CFR 1.10(e) requesting that the above-identified application be accorded a filing date of December 22, 2006.

The petition is **DISMISSED**.

Petitioner asserts that the application papers deposited with the present petition were originally filed by Express Mail "Post Office to Addressee" Service under the provisions of 37 CFR 1.10 on December 22, 2006, but were inadvertently filed as under 35 USC 371, using a PCT national-stage application cover sheet. Petitioner further avers that the application papers originally filed on December 22, 2006, have been misplaced in the USPTO. Therefore, petitioners request that the copy of the papers filed on August 27, 2007, be accorded a filing date of December 22, 2006, the date the papers were originally deposited.

At the outset, as petitioners concede that Application No. 11/845,246 was filed on August 27, 2007, the application was properly accorded the same as the filing date.

However, if the original application papers in Application No. 11/845,246, were filed by Express Mail on December 22, 2006, applicants may file a petition in that application, supported by the proper evidence, requesting the earlier filing date.

Copied from 11845246 on 01/21/2010

In this regard, 37 CFR 1.10(c), states,

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

A review of Office records reveals that the original application papers deposited on December 22, 2006, have been located in the USPTO and are assigned Application No. **11/630,580.** Accordingly, all future correspondence regarding the originally-deposited application should reference Application No. **11/630,580.**

As such, petitioners may wish to file a request **in that application** to accord a filing date of December 22, 2006.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window

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Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquires should be directed to the undersigned at 571 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Copied from 11845246 on 01/21/2010

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BROUSE MCDOWELL LPA
388 SOUTH MAIN STREET
SUITE 500
AKRON OH 44311

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JAN 27 2010

In re Application of :
Joon Ha Hwang :
Application No. 11/630,580 : ON PETITION
Filed: 12/22/2006 :
Attorney Docket No. 22470.44491 :
:

In re Application of :
Joon Ha Hwang :
Application No. 11/845,246 :
Filing Date: 08/27/2007 :
Attorney Docket No. 22470.44491 :

This is a decision in response to the "Request for Refund to Deposit Account 501210," filed on January 4, 2010, which is treated as a petition under 37 CFR 1.181, requesting, in effect, that the files of the above-identified applications be merged, the resulting application be accorded a filing date of December 22, 2006, and that all excess fees be refunded.

On December 22, 2006, applicant filed the original application, which was assigned Application No. 11/630,580 and accorded a filing date of December 22, 2006. The application was inadvertently filed with a PTO-1380 transmittal letter for a submission under 35 U.S.C. 371. Accordingly, the application was initially processed as a submission under 35 U.S.C. 371. On December 28, 2006, the fees for a submission under 35 U.S.C. 371 were charged. On April 4, 2007, the fees were refunded. On April 22, 2009, the utility application filing fee, search fee, examination fee, and late filing surcharge were paid.

On August 27, 2007, a duplicate copy of the application was filed, along with a paper styled as a petition under 37 CFR 1.10(e) requesting that the application papers be accorded a filing date of December 22, 2006. The petition stated that the applicants contacted the PCT Office, but that the case appeared

to have been misplaced in the USPTO. The duplicate copy of the application was assigned Application No. 11/849,246 and accorded a filing date of August 27, 2007.

On April 23, 2008, a decision on the petition filed in Application No. 11/845,246 was mailed, stating that the original application papers, assigned Application No. 11/630,580, had been located in the Office and were being processed with a filing date of December 22, 2006.

On January 4, 2010, the subject paper was filed. Petitioner states that the papers assigned Application No. 11/845,246 were filed because the PCT Office had informed petitioner that the original submission, filed on December 22, 2006, had been misplaced in the USPTO. Petitioners further assert that the PCT Office requested that petitioners file an additional copy of the application papers. Petitioners assert that in response to the instructions of the PCT Office, a duplicate copy was filed, and the filing fees paid. Petitioners request that, since the papers assigned Application No. 11/845,246 were filed because the original application had been lost, but the original application papers were later located, and the filing fees paid therein, the filing fees paid in the duplicate application, No. 11/845,246, should be refunded.

Based on the information set forth above, it is concluded that the duplicate application filed on August 27, 2007, was filed as a result of the unusual delay due to the circumstances surrounding the USPTO's handling of the original application papers. Therefore, it is appropriate to merge the files.

Accordingly, since Application No. 11/630,580 contains the original application papers, the file of Application No. 11/845,246 will be merged into the file of Application No. 11/630,580, and the USPTO records will indicate that Application No. 11/630,580 will retain its filing date of December 22, 2006. A review of Office financial records reveals that the filing fees, the late-filing surcharge, and the assignment recordation fee paid in Application No. 11/845,246, totalling $1,170.00, have been credited to counsel's deposit account.

The petition is **GRANTED** to the extent indicated above.

The applications will be returned to the Office of Patent Application Processing for merging the file of Application No. 11/845,246 into the file of Application No. 11/630,580. Application No. 11/845,246 will no longer be an active

application number. All future correspondence concerning this application should be directed to Application No. 11/630,580. Application No. 11/630,580 will retain its filing date of December 22, 2006.

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

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

MAILED

MAY 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Ahmed Mohanned Taki JEHANLI, et al	:	
Application No. 11/630,583	:	DECISION ON PETITION
Filed: May 9, 2008	:	TO WITHDRAW
Attorney Docket No. 255352002400	:	FROM RECORD
	:	

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, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to James /J. Mullen, III and the attorneys associated with Customer No. 25225, has been revoked by the assignee of the patent application on February 3, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

12 JAN 2007

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PFIZER INC
10555 SCIENCE CENTER DRIVE
SAN DIEGO, CA 92121

In re Application of GUAN et al	:	
U.S. Application No.: 11/630,588	:	
PCT Application No.: PCT/IB2005/001341	:	DECISION
Int. Filing Date: 09 May 2005	:	
Priority Date Claimed: 20 May 2004	:	
Attorney Docket No.: PC32344A	:	
For: THIOPHENE HETEROARYL AMINES	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 21 December 2006.

BACKGROUND

On 09 May 2005, applicant filed international application PCT/IB2005/001341, which claimed priority of an earlier United States application filed 20 May 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 01 December 2005. The thirty-month period for paying the basic national fee in the United States expired on 20 November 2006.

International application PCT/IB2005/001341 became abandoned as to the United States for failure to timely pay the basic national fee.

On 21 December 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

01/12/2007 SBASHEIR 00000004 500329 11630588
Sale Ref: 00000004 DA#: 500329 11630588
01 FC:1453 1500.00 DA

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/630,598	12/21/2006	Masahito Sato	67033(71719)	7135

EXAMINER

7590 07/02/2009

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
07/02/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Tomi Farmer

Patent Publication Branch
Office of Data Management

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23 MAY 2008

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MENDELSOHN AND ASSOCIATES, P.C.
1500 JOHN F. KENNEDY BLVD., SUITE 405
PHILADELPHIA, PA 19102

In re Application of GABRIEL et al	:	
U.S. Application No.: 11/630,608	:	
PCT Application No.: PCT/US2006/014459	:	
Int. Filing Date: 17 April 2006	:	DECISION
Priority Date Claimed: 18 April 2005	:	
Attorney Docket No.: 1073.005	:	
For: PAUSING AND RESUMING CONTENT STREAMING ON WIRELESS DEVICES	:	

This is in response to applicant's "Request for Addition of Inventor Under 37 CFR 1.497(d)" filed 20 December 2007.

BACKGROUND

On 17 April 2006, applicant filed international application PCT/US2006/014459, which claimed priority of an earlier United States application filed 18 April 2005. The thirty-month period for paying the basic national fee in the United States expired on 18 October 2007.

On 19 December 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration.

On 29 October 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that the declaration listed an inventor who was not listed in the published international application.

On 20 December 2007, applicant filed the present petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Bruce Probst should be added as an inventor.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, the petition includes a statement of written consent from the assignee Home Box Office, Inc., who has properly established ownership of the application in accordance with 37 CFR 3.73(b)(1).

With regard to item (4) above, a new declaration is not required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 17 April 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 19 December 2006.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

27 JUN 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MICHAEL MOLINS
MOLINS & CO.
SUITE 5, LEVEL 6
139 MACQUARIE ST
SYDNEY NSW, AUSTRALIA 2000

In re Application of	:	
TONEGUZZO, Steve	:	
Application No.: 11/630,644	:	
PCT No.: PCT/AU05/00949	:	
Int. Filing Date: 30 June 2005	:	DECISION
Priority Date: 30 June 2004	:	
Attorney's Docket No.: GIT0015U	:	
For: Auctioning To Obtain Customers	:	

This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 30 June 2005, applicants filed international application PCT/AU05/00949, claiming an earliest priority date of 30 June 2004. The thirty-month for paying the basic national fee in the United States expired at midnight on 30 December 2006.

On 26 December 2006, applicants filed a first transmittal letter for entry into the national stage in the United States, which was accompanied, *inter alia*, by a credit card payment of the basic national fee (small entity). These papers had an attorney docket number of GIT0015U and were assigned U.S. Application Number 11/630,644.

On 26 December 2006, applicant also filed two additional sets of purported national stage papers. The submissions listed the following attorney docket numbers and were assigned the following respective U.S. Application Numbers:

Attorney Docket Number	U.S. Application Number
GIT0013U	11/630,641
GIT0014U	11/630,642

DISCUSSION

The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the existence of plural U.S. national stage applications for a single international application is improper. Further, it is noted that the claims in each application are drawn to different inventions.

CONCLUSION

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). A proper response would include an explanation regarding why three national stage applications, drawn to three different claimed inventions, were filed based on the same international application. Failure to timely file a proper response will result in the serialization of U.S. application Numbers 11/630,641 and 11/630,642 being vacated.

It is emphasized that the papers associated with U.S. Application Numbers 11/630,641 and 11/630,642 will not be accepted as national stage applications under 35 U.S.C. 371. If applicant desires processing of these papers under 35 U.S.C. 111(a), a petition under 35 U.S.C. 1.182 along with the requisite $400.00 petition fee for each application is required.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration. Preferably the petition should be faxed to the attention of Stefan Staicovici at the Office of PCT Legal Administration at 571-273-0459.

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3297
Facsimile: (571) 273-0459

Stefan Staicovici
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-1208

UNITED STATES PATENT AND TRADEMARK OFFICE

30 NOV 2007

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Michael Molins
MOLINS & CO.
Suite 5, Level 6
139 Macquarie Street
Sydney NSW, 2000
AUSTRALIA

In re Application of:
TONEGUZZO, Steve, et al.
U.S. Application No.: 11/630,644
PCT No.: PCT/AU2005/000949
International Filing Date: 30 June 2005
Priority Date: 30 June 2004
Atty Docket No.: GIT0015U
For: Auctioning To Obtain Customers

DECISION ON REQUESTS FOR EXPRESS ABANDONMENT

This decision is issued in response to the correspondence filed 19 July 2007 in related U.S. application numbers 11/630,641 and 11/630,642 requesting that such applications be expressly abandoned. No petition fee is required.

BACKGROUND

The background for the present application was set forth in the decision mailed herein on 27 June 2007. That decision noted that above-named counsel had filed three separate U.S. national stage applications for international application PCT/AU2005/000949, and it indicated that only one national stage application was permitted. The decision went on to indicate that the papers assigned U.S. application number 11/630,644 would proceed as the U.S. national stage for PCT/AU2005/000949, while the papers assigned U.S. application numbers 11630,641 and 11/630,642 would not be accepted as national stage applications filed under 35 U.S.C. 371.

On 19 July 2007, above-named counsel filed in U.S. application numbers 11/630,641 and 11/630,642 the correspondence considered herein. The correspondence requests that U.S. application numbers 11/630,641 and 11/630,642 be expressly abandoned.

DISCUSSION

Pursuant to 37 CFR 1.138(b), an attorney signing a request for express abandonment must be the appointed attorney of record. See MPEP section 711.01: "The applicant (acquiesced in by an assignee of record), or the attorney/agent of record, if any, can sign an express abandonment."

U.S. application numbers 11/630,641 and 11/630,642 do not include a Power of Attorney or declaration appointing above-named counsel as attorney of record; rather, the papers filed

therein were submitted by counsel in a representative capacity under 37 CFR 1.34. As set forth in MPEP section 402, "a person acting in a representative capacity may not sign ... a request for express abandonment without filing a continuation application" (no such continuation application has been filed here). Accordingly, the requests for express abandonment filed by above-named counsel on 19 July 2007 in U.S. application numbers 11/630,641 and 11/630,642 are not effective under 37 CFR 1.138(b).

Applicant's decision to seek abandonment of U.S. application numbers 11/630,641 and 11/630,642, rather than to file a petition or explanation as discussed in the previous decision, is interpreted as a decision not to seek to have such applications treated as separate applications filed under 35 U.S.C. 111(a). Accordingly, as indicated in the previous decision, U.S. application numbers 11/630,641 and 11/630,642 will be discontinued. Copies of the materials in these application files will be placed in the present application file, and the fees submitted by applicant in U.S. application numbers 11/630,641 and 11/630,642 will be refunded.

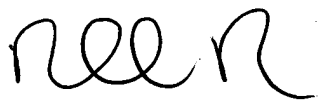
CONCLUSION

The requests for express abandonment of U.S. application numbers 11/630,641 and 11/630,642 are **DISMISSED** without prejudice.

U.S. application numbers 11/630,641 and 11/630,642 will be discontinued. Copies of the papers assigned such application numbers will be placed in the present application file, and the fees paid in U.S. application numbers 11/630,641 and 11/630,642 will be refunded to applicant.

The present application, U.S. application number 11/630,644, will continue to be processed as the U.S. national stage of PCT/AU2005/000949.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.



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17 NOV 2009

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Kennametal Inc.
Intellectual Property Department
P.O. Box 231
1600 Technology Way
Latrobe, PA 15650

In re Application of:
LUNN et al.
U.S. Application No.: 11/630,661
PCT No.: PCT/US2005/023510
Int. Filing Date: 01 July 2005
Priority Date: 01 July 2004
Attorney Docket No.: KEH-2284 3580-064167
For: ABRASIVE MACHINING MEDIA CONTAINING THERMOPLASTIC POLYMER

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition to File Application on Behalf of Inventors Who Refuse to Sign 37 CFR 1.47(b)" filed 02 October 2009, which is being treated as a Petition under 37 CFR 1.47(a) to accept the application without the signature of joint-inventors, David P. Delo and Robert A. Miller. Deposit Account No 23-0650 will be charged the required $200 petition fee.

BACKGROUND

On 01 July 2005, applicants filed international application PCT/US2005/023510. The international application claimed a priority date of 01 July 2004. The deadline for payment of the basic national fee was 01 January 2007 (thirty months from the priority date).

On 26 December 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 29 April 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating, among other things, that an executed declaration in compliance with 37 CFR 1.497 and payment of the surcharge for filing the declaration later than thirty months after the priority date were required.

On 02 October 2009, applicants filed a response to the Notification Of Missing Requirements. The response included payment of the required surcharge, a partially executed declaration, and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of inventors, David P. Delo and Robert A. Miller, whom applicants assert cannot be found or reached after diligent effort.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1), (3), and (4) have been satisfied.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2) above, petitioner states that David P. Delo and Robert A. Miller have refused to sign the application. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts.

Inventor David P. Delo

Here, the evidence submitted to demonstrate David P. Delo's refusal to execute the application papers is contained in the "Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor" (Statement) of attorney James G. Porcelli included in the petition, and the exhibits thereto. These materials provide the required firsthand statement regarding

the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement.

Inventor Robert A. Miller

Petitioner has not provided sufficient proof that the inventor (Robert A. Miller) refuses to execute the application. Here, applicants provided a Statement of attorney James G. Porcelli, with supporting documents, providing firsthand evidence that a request for signature, with a copy of the complete application, was forwarded to the last known address of the nonsigning inventor via First Class Mail, then mailed to the same address by Certified Mail (the mailing was returned as "unclaimed"), and that no response was received from the nonsigning inventor. However, applicants have not provided any evidence to confirm that the address being used is the current address of the nonsigning inventor, as required before the inventor's failure to respond to a mailing at such address can be considered a refusal to sign the application.

Applicants must provide additional evidence to confirm the inventor's constructive refusal to sign (i.e., evidence confirming that the request for signature and application papers has been delivered to the inventor at his current address). If this cannot be confirmed, applicants must provide evidence that a diligent effort to identify a current address for the inventor and contact him at such address has been made (i.e., internet searches, etc.). Until such supplemental materials are provided, item (2) is not considered satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventors. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by two of the four inventors and including an unsigned signature box identifying the two nonsigning inventors (David P. Delo and Robert A. Miller). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is appropriate to accept the application without the signatures of David P. Delo and Robert A. Miller under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

05 FEB 2010

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Kennametal Inc.
Intellectual Property Department
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1600 Technology Way
Latrobe, PA 15650

In re Application of:
LUNN et al.
U.S. Application No.: 11/630,661
PCT No.: PCT/US2005/023510
Int. Filing Date: 01 July 2005
Priority Date: 01 July 2004
Attorney Docket No.: KEH-2284 3580-064167
For: ABRASIVE MACHINING MEDIA CONTAINING THERMOPLASTIC POLYMER

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 18 January 2010. In a decision dated 17 November 2009, applicants' "Petition under 37 CFR 1.47(a)" filed 02 October 2009 was dismissed because applicants did not provide adequate proof that nonsigning inventors, David P. Delo and Robert A. Miller, refused to execute the application or could not be reached after diligent effort.

The procedural background for this application was set forth in detail in the decision mailed by this Office on 17 November 2009.

DISCUSSION

Applicants claim that co-inventors David P. Delo and Robert A. Miller refuse to cooperate in the above-captioned application.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1), (3) and (4) have been previously satisfied.

The renewed petition includes additional materials confirming that a copy of the complete application papers, with a request for signature, was forwarded to the non-signing inventor (David P. Delo and Robert A. Miller) at his last known address, and that the inventor (David P. Delo and Robert A. Miller) has failed to provide the requested

signature. This submission, in combination with the materials included with the original petition, provides an adequate showing that the inventor (David P. Delo and Robert A. Miller) has refused to execute the application. Applicants have therefore satisfied the final requirement for a grantable petition.

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted without the signature of joint-inventors, David P. Delo and Robert A. Miller.

The application will be given an international filing date of 01 July 2005 under 35 U.S.C. 363, and a date of **02 October 2009** under 35 U.S.C. 371(c).

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the inventors of the application will be forwarded to the nonsigining inventors at their last-known addresses, as set forth in the petition.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
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UNITED STATES PATENT AND TRADEMARK OFFICE

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Robert Miller
119 Spring Grove Road
Pittsburgh, PA 15235

In re Application of:
LUNN et al.
U.S. Application No.:11/630,661
PCT No.: PCT/US2005/023510
Int. Filing Date: 01 July 2005
Priority Date: 01 July 2004
Attorney Docket No.: KEH-2284 3580-064167
For: ABRASIVE MACHINING MEDIA CONTAINING THERMOPLASTIC POLYMER

Dear Robert Miller:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Counsel of Record:
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David P. Delo
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Pittsburgh, PA 15241

In re Application of:
LUNN et al.
U.S. Application No.:11/630,661
PCT No.: PCT/US2005/023510
Int. Filing Date: 01 July 2005
Priority Date: 01 July 2004
Attorney Docket No.: KEH-2284 3580-064167
For: ABRASIVE MACHINING MEDIA CONTAINING THERMOPLASTIC POLYMER

Dear David P. Delo:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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0 4 JUN 2008

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OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE OH 43023

In re Application of	:	
KARBOWSKI (Deceased) et al.	:	DECISION ON
Application No.: 11/630,683	:	
PCT No.: PCT/FR05/50497	:	REQUEST
Int. Filing Date: 27 June 2005	:	
Priority Date: 28 June 2004	:	UNDER 37 CFR 1.42
Attorney Docket no.: 300038US6PCT	:	
For: AUTOMATIC YARN-GRIPPING INSTALLATION	:	

This is a decision on applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 27 September 2007 and treated as a request under 37 CFR 1.42.

BACKGROUND

On 27 December 2006, applicant filed a transmittal letter requesting entry into the U.S. national stage for international application PCT/FR05/50497.

On 27 September 2007, applicant filed executed declaration to satisfy the requirements of 35 U.S.C. 371 that an oath or declaration of the inventors be furnished.

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal

representative (heir) of a deceased inventor, the oath or declaration must state that the person is a legal representative (heir) and indicate the citizenship, residency and mailing address of the legal representative (heir).

The declaration appears to be in the French and English language. As stated in 37 CFR 1.69(b), unless the text of any oath or declaration in a language other than English is in the form provided by the Patent and Trademark Office..., it must be accompanied by an English translation together with a statement that the translation is accurate. See also MPEP 602.06. The declaration is not on the USPTO form and is not accompanied by a statement that the translation is accurate. Such statement is required.

An application may be made by the heirs of the inventor, as such, if there is no will or the will did not appoint an executor and the estate was under the sum required by state law for the appointment of an administrator. A statement by either those signing or by applicant's attorney which sets forth that Danyele Rey, Natacha Karbowski, Marie Karbowski, Sarah Karbowski and Lydia Karbowski are in fact all the heirs of the deceased inventor Jean-Pierre Karbowski. Such statement should also set forth that no legal representative of the deceased's estate has been appointed or is statutorily required to be appointed. See MPEP §409.01(a).

For the reasons stated above, compliance with 37 CFR 1.497(a) and (b) and 1.69(b) has not been met. Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **DISMISSED WITHOUT PREJUDICE.**

The declaration by the heirs for deceased inventor cannot be accepted as a proper declaration under 37 CFR §§1.497(a) and (b) and 1.69(b) at this time.

Applicant has **TWO (2) MONTHS** from the mail date of this decision within which to respond to this decision. Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

05 NOV 2008

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GRANVILLE OH 43023

In re Application of	:	
KARBOWSKI (Deceased) et al.	:	DECISION ON
Application No.: 11/630,683	:	
PCT No.: PCT/FR05/50497	:	REQUEST
Int. Filing Date: 27 June 2005	:	
Priority Date: 28 June 2004	:	UNDER 37 CFR 1.42
Attorney Docket no.: 300038US6PCT	:	
For: AUTOMATIC YARN-GRIPPING INSTALLATION	:	

This is a decision on applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 15 August 2008 as a request under 37 CFR 1.42.

BACKGROUND

On 27 December 2006, applicant filed a transmittal letter requesting entry into the U.S. national stage for international application PCT/FR05/50497.

On 27 September 2007, applicant filed executed declaration to satisfy the requirements of 35 U.S.C. 371 that an oath or declaration of the inventors be furnished.

On 04 June 2008, a decision was mailed indicating that the declaration appeared to be in the French and English language and was unacceptable as submitted. Furthermore, a statement by either those signing or by applicant's attorney which sets forth that Danyele Rey, Natacha Karbowski, Marie Karbowski, Sarah Karbowski and Lydia Karbowski are in fact all the heirs of the deceased inventor Jean-Pierre Karbowski, was required.

On 15 August 2008, applicant forwarded a communication from a translation service and a statement from Jean-Yves Camoz with regard to the alleged heirs/successors of deceased inventor Karbowski. The submission was not accompanied by a response signed by the attorney of record.

DISCUSSION

A reply to the 04 June 2008 decision was filed on 15 August 2008. Unfortunately, the 15

August 2008 submission was not signed by the attorney of record in the above referenced application. 37 CFR 10.18(a) emphasizes that every paper filed by a practitioner must be personally signed by the practitioner and states, in pertinent part, :

> For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, *each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature, personally signed by such practitioner, in compliance with § 1.4(d)(1) of this chapter.*

(Emphasis added.)

In the instant case, since the submission on 15 August 2008 was not personally signed by the practitioner, the filing is not acceptable.

Moreover, as previously stated in the decision mailed on 04 June 2008, the 27 September 2007 declaration appears to be in the French and English language. Pursuant to 37 CFR 1.69(b), unless the text of any oath or declaration in a language other than English is in the form provided by the Patent and Trademark Office..., *it must be accompanied by an English translation together with a statement that the translation is accurate. See also* MPEP 602.06. The declaration is not on the USPTO form nor is it accompanied by a statement that the translation is accurate. Such statement that the English translation of the French declaration for this application is accurate is required.

In addition, an application may be made by the heirs of the inventor, as such, if there is no will or the will did not appoint an executor and the estate was under the sum required by state law for the appointment of an administrator. The attorney's statement should set forth that no legal representative of the deceased's estate has been appointed or is statutorily required to be appointed and that all of the heirs of deceased inventor Karbowski have signed the declaration. *See* MPEP §409.01(a). The submission of Jean Yves Camoz is not an acceptable substitute for such statement from the attorney of record.

CONCLUSION

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.

/Cynthia M. Kratz/

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PCT Legal Office
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UNITED STATES PATENT AND TRADEMARK OFFICE

20 AUG 2009

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GRANVILLE OH 43023

In re Application of	:	
KARBOWSKI (Deceased) et al.	:	DECISION ON
Application No.: 11/630,683	:	
PCT No.: PCT/FR05/50497	:	REQUEST
Int. Filing Date: 27 June 2005	:	
Priority Date: 28 June 2004	:	UNDER 37 CFR 1.42
Attorney Docket no.: 300038US6PCT	:	
For: AUTOMATIC YARN-GRIPPING INSTALLATION	:	

This is a decision on applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 18 March 2009 as a request under 37 CFR 1.42. Applicant's request for a one month extension of time is granted.

BACKGROUND

On 27 December 2006, applicant filed a transmittal letter requesting entry into the U.S. national stage for international application PCT/FR05/50497.

On 27 September 2007, applicant filed executed declaration to satisfy the requirements of 35 U.S.C. 371 that an oath or declaration of the inventors be furnished.

On 04 June 2008, a decision was mailed indicating that the declaration appeared to be in the French and English language and was unacceptable as submitted. Furthermore, a statement by either those signing or by applicant's attorney which sets forth that Danyele Rey, Natacha Karbowski, Marie Karbowski, Sarah Karbowski and Lydia Karbowski are in fact all the heirs of the deceased inventor Jean-Pierre Karbowski, was required.

On 15 August 2008, applicant forwarded a communication from a translation service and a statement from Jean-Yves Camoz with regard to the alleged heirs/successors of deceased inventor Karbowski.

On 05 November 2008, a decision was mailed indicating that the 15 August 2008 submission was not signed by the attorney of record and thus, was not acceptable as filed.

On 29 December 2008, a Notification of Missing Requirements was mailed to applicant indicating that a proper declaration in accord with the decision mailed on 5 November 2008 was required.

On 18 March 2009, applicant filed the instant response along with a one month extension of time.

DISCUSSION

In his submission of 18 March 2009, Counsel of record states that the signed declaration with an English translation is accurate as reflected in the translator's certification statement. Counsel of record also states that no legal representative of the deceased inventor's estate has been appointed or was required to be appointed and that all of the heirs of deceased inventor have signed the declaration. Having provided this statement, the English/French language declaration submitted on 27 September 2007 is acceptable.

CONCLUSION

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.

The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 27 September 2007.

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11 JAN 2007

Blakely Sokoloff Taylor and Zafman
12400 Wilshire Boulevard
7th Floor
Los Angeles CA 90025

In re Application of MENARD et al.
Application No.: 11/630,703
PCT No.: PCT/FR04/02123
Int. Filing: 11 August 2004
Priority Date: 13 August 2003
Attorney Docket No.: 15675.P648
For: ACCELEROMETER WITH REDUCED EXTRANEOUS VIBRATIONS OWING TO IMPROVED ELECTRODE SHAPE

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 20 December 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the"entire delay in filing the required reply from the due date for the required reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $300 has now been provided. The required petition fee of $1500 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz
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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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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Mail Date: 04/21/2010

Applicant	: Enrico Greco	: DECISION ON REQUEST FOR
Patent Number	: 7662284	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/630,705	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **207** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Wong, Cabello, Lutsch, Rutherford & Brucculeri, LLP
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Suite 600
Houston, TX 77070

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OFFICE OF PETITIONS

In re Application of :
Rafael Carbunaru :
Application No. 11/630,708 :
Filed: December 20, 2006 :
Attorney Docket No. 585-0050US//05-00708-02 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed February 14, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Bryant R. Gold and Laura Haburay Bishop does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

A power of attorney was filed on May 21, 2007 appointing new counsel of record in this application.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Bryant R. Gold
Laura Haburay Bishop
25129 Rye Canyon Loop
Valencia, CA 91355

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26 JAN 2009

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HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

In re Application of	:	
YANG, et al.	:	
U.S. Application No.: 11/630,717	:	DECISION ON REQUEST
PCT No.: PCT/GB05/02493	:	
Int. Filing Date: 23 June 2005	:	FOR REFUND OF FEES
Priority Date: 25 June 2004	:	
Attorney Docket No.: 60065-0015	:	
For: METHOD OF CORRELATING INTERNAL TISSUE MOVEMENT	:	

This decision is in response to applicant's request for refund filed 23 October 2008 in the United States Patent and Trademark Office (USPTO). The petition is being treated under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 23 June 2005, applicant filed international application PCT/GB05/02493 which claimed priority to an earlier application filed 25 June 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 05 January 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 25December 2006.

On 21 December 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment and an information disclosure statement.

On 05 November 2007, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide a signed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

On 01 February 2008, applicant filed a response including an executed declaration of the inventors accompanied by a request for a one-month extension of time.

On 07 July 2008, applicant was mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the filed declaration was defective as it appeared to have been compiled from numerous declarations. Applicant was afforded one month from the mailing of the Form PCT/DO/EO/916 or the amount of extendable time from the mail date of the Form PCT/DO/EO/905 to file a proper reply.

On 11 July 2008, applicant filed a response including an additional declaration of the inventors.

On 22 August 2008, applicant was mailed a "Notice of Acceptance" (Form PCT/DO/EO/903).

On 23 October 2008, applicant filed the petition considered herein requesting a refund of a five-month extension of time fee payment charged to applicant's deposit account on 21 August 2008.

DISCUSSION

The Form PCT/DO/EO/916 mailed 07 July 2008 afforded applicant a period of reply of one month from the mail date of the form or the extendable time remaining from the mail date of the Form PCT/DO/EO/905 mailed 05 November 2007. A review of the applicant file finds that applicant responded within one month of the mail date of the Form PCT/DO/EO/916. As such, it is proper to grant applicant's petition at this time and refund the $2,110.00 extension of time fee payment to deposit account number 50-1302.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Derek A. Putonen
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Tel: (571) 272-3294
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11 JAN 2008

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HUNTON & WILLIAMS LLP
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Suite 1200
Washington, D.C. 20006-1109

In re Application of:
MANUSZAK, Melissa, et al.
U.S. Application No.: 11/630,724
PCT No.: PCT/FR2005/001489
International Filing Date: 15 June 2005
Priority Date: 23 June 2004
Atty's Docket No.: RN04063
For: COSMETIC COMPOSITION COMPRISING POLYORGANO-SILOXANE AND USES THEREOF

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a)" filed 05 November 2007. Applicants have paid the required petition fee.

BACKGROUND

On 15 June 2005, applicants filed international application PCT/FR2005/001489. The international application claimed a priority date of 23 June 2004, and it designated the United States. On 26 January 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 23 December 2006.

On 21 December 2006, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a translation of the international application into English.

On 06 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an executed declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date fees were required.

On 05 November 2007, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included payment of the required surcharge, a partially executed declaration, and the petition under 37 CFR 1.47(a) considered

herein. The petition seeks acceptance of the application without the signature of inventor Melissa MANUSZAK, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by one of the two inventors of record, and the declaration includes an unsigned signature block for the non-signing inventor, Melissa MANUSZAK. This declaration can be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Finally, the MPEP states:

> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted.

Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided a declaration of Vincent Boittiaux regarding efforts made to obtain the signature of the

non-signing inventor. However, the statement does not indicate that a copy of the complete application (specification, claims, and drawings) and a request for signature has been forwarded to the last known address of the inventor, as required by the MPEP. Rather, the statement provided here refers only to the declaration and assignment being sent to the inventor (via email). In addition, applicants have not provided any documentary support to confirm the asserted facts (i.e., a copy of the emails and attachments, etc), as also required by the MPEP.

Until adequate supplemental materials are provided that satisfy the requirements of the MPEP and include a firsthand statement (with documentary support) confirming that a request for signature, accompanied by a copy of the complete application, has been sent to the non-signing inventor at her last known address, and that the inventor has refused to provide the requested signature in response to such request, item (4) is not satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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23 JUL 2008

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In re Application of:	:	
MANUSZAK, Melissa, et al.	:	DECISION ON RENEWED
U.S. Application No.: 11/630,724	:	PETITION UNDER
PCT No.: PCT/FR2005/001489	:	37 CFR 1.47(a)
International Filing Date: 15 June 2005	:	
Priority Date: 23 June 2004	:	
Atty's Docket No.: RN04063	:	
For: COSMETIC COMPOSITION COMPRISING POLYORGANO-SILOXANE AND USES THEREOF	:	

In a decision mailed by this Office on 11 January 2008, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-inventor Melissa MANUSZAK was dismissed without prejudice for failure to satisfy all the requirements of a grantable petition.

On 11 June 2008, applicants filed the "Response To Notification Of Missing Requirements" treated herein as a renewed petition. The submission was accompanied by the three-month extension fee required for the materials to be considered a timely response to the previous decision.

Applicants' 11 June 2008 submission includes a declaration executed by the previously non-signing inventor Melissa MANUSZAK (applicants had previously submitted a declaration executed by co-inventor Gilles LORENTZ). Applicants have therefore now submitted an executed declaration in compliance with 37 CFR 1.497 from both of the inventors of record herein.

Based on the above, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of all the inventors of record is **DISMISSED AS MOOT**.

This application is being forwarded to the National Stage Processing Branch of the PCT Operations Division for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 11 June 2008.

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17 DEC 2007

Jean-Louis Seugnet
Rhodia Inc.
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CN 7500
Cranbury, NJ 08512-7500

In re Application of :
MANUSZAK et al. :
U.S. Application No. 11/630,725 : DECISION ON PETITION
PCT No.: PCT/FR05/01490 :
Int. Filing Date: 15 June 2005 :
Priority Date: 23 June 2004 :
Attorney Docket No.: RN04062 :
For: COSMETIC COMPOSITION COMPRISING POLYORGANOSILOXANE AND USES THEREOF :

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 05 November 2007 to accept the application without the signature of joint-inventor, Melissa Manuszak.

BACKGROUND

On 15 June 2005, applicants filed international application PCT/FR05/01490 which claimed a priority date of 23 June 2004. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 23 December 2006.

On 21 December 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application; and a preliminary amendment.

On 09 May 2007, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 05 November 2007, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Applicants have satisfied Item (1), (3) and (4).

As to item (2), petitioner states that Melissa Manuszak cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

A review of the present petition reveals that petitioner has not provided an acceptable showing that a diligent effort was made to locate the nonsigning inventor, Melissa Manuszak. Petitioner states that non-signing inventor is "unavailable." However, no documentary evidence to support the failed attempts were provided with the present petition. As stated above, copies of documentary evidence such as internet searches, certified mail return receipt, cover letter of instructions, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts. All documents should be translated into English. Lastly, it is unclear whether the petitioner is asserting that the nonsigning inventor has refused to execute the application or cannot be located to execute the application.

As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the

facts that a complete copy of the application papers (specification, claims, and drawings) were sent to Melissa Manuszak, and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Melissa Manuszak under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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0 2 SEP 2008

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Washington, D.C. 20006-1109

In re Application of :
MANUSZAK et al. :
U.S. Application No. 11/630,725 :
PCT No.: PCT/FR05/01490 :
Int. Filing Date: 15 June 2005 :
Priority Date: 23 June 2004 : DECISION ON PETITION
Attorney Docket No.: RN04062 :
For: COSMETIC COMPOSITION COMPRISING POLYORGANOSILOXANE AND USES THEREOF :

In a decision mailed by this Office on 17 December 2007, the petition under 37 CFR 1.47(a) for acceptance of the application without the signature of joint inventor Melissa Manuszak was dismissed without prejudice for failure to satisfy the requirements of a grantable petition.

On 19 May 2008, petitioner filed the renewed petition considered herein. The renewed petition includes a declaration executed by the previously non-signing inventor Melissa Manuszak. Based on the submission of a declaration executed by the previously non-signing joint inventor, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

However, the declaration executed by the inventor is not in compliance with 37 CFR 1.497 in that it fails to properly identify the inventor herein. Specifically, the inventor identified on the international application (and declaration) as Melissa MANUSZAK has executed the declaration in the name of Melissa MANUSZAK TOLLA.

Section 605.04(b) of the Manual Of Patent Examining Procedure ("MPEP") states that:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s)

will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

In this case, the difference between the inventor's name in the published international application and the declaration appears to be more than a mere typographical error or a phonetic misspelling of the applicant's name. Accordingly, a petition under 37 CFR 1.182 to correct the name of record for the inventor is required before the present declaration can be accepted under 37 CFR 1.497. For such a petition to be grantable, applicant must provide the required petition fee and an explanation as to how the error in the inventor's name was made and that the error in the inventor's name was inadvertent and occurred without deceptive intent.[1]

The submission of the executed but non-compliant declaration is considered a defective response to the previous decision. Accordingly, applicants have **ONE (1) MONTH** from the mail date of this decision to submit a revised declaration executed by previously non-signing inventor Melissa Manuszak that satisfies the requirements of 37 CFR 1.497 or a petition under 37 CFR 1.182 requesting that this applicant's name be changed to Melissa MANUSZAK TOLLA.

Extensions of time are not available under 37 CFR 1.136(a). Failure to file a proper and timely response will result in abandonment of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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[1] If the name of the inventor has been officially changed since the filing of the international application, the requirements for the required petition under 37 CFR 1.182 are as set forth in MPEP section 605.04(c)

24 NOV 2008

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In re Application of :
MANUSZAK et al. :
U.S. Application No. 11/630,725 :
PCT No.: PCT/FR05/01490 :
Int. Filing Date: 15 June 2005 :
Priority Date: 23 June 2004 : DECISION ON PETITION
Attorney Docket No.: RN04062 :
For: COSMETIC COMPOSITION COMPRISING POLYORGANOSILOXANE AND USES THEREOF :

This decision is issued in response to applicants' "Petition under 37 CFR 1.181 to Withdraw Holding of Abandonment Based on Failure to Receive Decision on Petition" and applicants' "Petition under 37 CFR 1.182 to Change Inventor's Name" filed 30 October 2008.

BACKGROUND

On 15 June 2005, applicants filed international application PCT/FR05/01490 which claimed a priority date of 23 June 2004. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 23 December 2006.

On 21 December 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application; and a preliminary amendment.

On 09 May 2007, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 05 November 2007, applicants filed a petition under 37 CFR 1.47(a). In a decision dated 17 December 2006, applicants' petition was dismissed without prejudice.

On 19 May 2008, petitioner filed a renewed petition under 37 CFR 1.47(a). The renewed petition included a declaration executed by the previously non-signing inventor Melissa Manuszak.

In a decision dated 02 September 2008, the petition under 37 CFR 1.47(a) was dismissed as moot. However, the declaration executed by the inventor was not in compliance with 37 CFR 1.497 in that it failed to properly identify the inventor. Applicants were given one month to respond to the "Decision on Petition."

On 30 October 2008, applicants filed "Petition under 37 CFR 1.181 to Withdraw Holding of Abandonment Based on Failure to Receive Decision on Petition" and "Petition under 37 CFR 1.182 to Change Inventor's Name."

DISCUSSION

Petition under 37 CFR 1.181

By operation of law, the above-identified application went abandoned for failure to file a compliant response to the Decision on Petition. In the present petition, applicants argue that the holding of abandonment should be withdrawn because applicants never received the Decision on Petition mailed on 02 September 2008. Section 711.03(c) of the MPEP sets forth the requirements for such a petition:

> 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.

Here, applicants have provided a statement that the Decision on Petition was never received, explained that a search of the file jacket and application contents revealed that the Decision on Petition had not been received; and included a copy of the relevant docket record. Further, applicants have provided a statement describing the firm's docketing system and that the docketing system is sufficiently reliable. Thus, applicants have

provided the proper showing necessary to withdraw the holding of abandonment and the petition may be properly granted

Petition under 37 CFR 1.182

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicants request to change the name of the first inventor from Melissa Manuszak to Melissa Tolla. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the first inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a copy of the court order."

Here, applicants' submission included the authorization to charge counsel's Deposit Account the required fees, satisfying the petition fee requirement. As for the affidavit requirement, applicants submitted a "Declaration of Melissa Ann Tolla" (affidavit) regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Melissa Ann Tolla as a result of marriage.

CONCLUSION

Applicants' petition to withdraw the holding of abandonment is GRANTED.

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Melissa Manuszak to Melissa Tolla is GRANTED.

Based on the above, the declaration filed 30 October 2008 is acceptable in compliance with 37 CFR 1.497. This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.

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UNITED STATES PATENT AND TRADEMARK OFFICE

16 JUN 2008

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SAN JOSE CA 95164-0640

In re Application of	:	
BRETON et al.	:	
Application No.: 11/630,753	:	
PCT No.: PCT/EP05/52932	:	DECISION ON RESPONSE
International Filing Date: 23 June 2005	:	
Priority Date: 26 July 2004		
Attorney Docket No.: 034299-000721	:	
For: FAST ANALOG FOR CONTINUOUS RECORDING A DN READ-OUT AND DIGITAL CONVERSION SYSTEM	:	

This is a decision on applicant's Petition to Correct International Application Number under 37 CFR 1.182 filed in the United States Patent and Trademark Office on 28 May 2008.

On 22 December 2007, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 11/630,753. However the international application PCT/EP05/**50932** as indicated on the transmittal letter differs from the PCT application number PCT/EP05/**52932** on the application data sheet.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to **PCT/EP05/52932** on the national stage papers filed on 28 May 2008 is GRANTED. The $400 petition fee will be charged to applicant's deposit account per his authorization.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for processing in accord with this decision. The USPTO records will identify the present application as a national stage of PCT/EP05/52932.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571)272-3286
Facsimile: (571)273-0459

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Alexandria, VA 22313-1450
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LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

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MAR 05 2010

In re Application of	:	
Roger A. Gale	:	
Application No. 11/630,758	:	DECISION GRANTING PETITION
Filed: November 15, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. U 016644-0	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 5, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 21, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1797 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

Mail Date: 05/03/2010

Applicant	: Atsushi Ikeda	: DECISION ON REQUEST FOR
Patent Number	: 7663239	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/630,799	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/27/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **632** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY NY 11530

COPY MAILED
SEP 11 2008

In re Application of	:	
Seiichiro Kimoto	:	
Application No. 11/630,806	:	DECISION GRANTING PETITION
Filed: December 27, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 20562	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 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 August 11, 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 2821 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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0 9 JUN 2010

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25944
OLIFF & BERRIDGE, PLLC
P.O. Box 320850
Alexandria, VA 22320-4850

In re Application of :
ARAI *et al* :
U.S. Application No.: 11/630,825 :
PCT No.: PCT/JP2005/011377 :
Int. Filing Date: 21 June 2005 :
Priority Date: 25 June 2004 : **DECISION**
Attorney Docket No.: 130743 :
For: ALIGNING APPARATUS, ALIGNING METHOD, EXPOSURE APPARATUS, EXPOSURE METHOD, AND DEVICE MANUFACTURING METHOD :

This is a decision on the "Request for Correction of Palm Records" filed on 03 March 2010 which is treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 09 May 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) stating that applicants completed all 35 U.S.C. 371 requirements on 10 January 2007. A filing receipt was also mailed indicating a "Filing or 371(c) Date" of 10 January 2007.

On 10 October 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) requesting an English translation of page 4 of the specification. A Withdrawal of Previously Sent Notice mailed on 09 May 2007 was also sent.

On 17 October 2007, applicants filed a response which was accompanied by, *inter alia*, a copy of page 4 of the English translation of the specification and a date-stamped postcard receipt for documents filed 22 December 2006.

On 07 January 2010, a request for status was mailed.

On 03 February 2009, the DO/EO/US mailed a new Form PCT/DO/EO/903 and filing receipt indicating a date of completion of 35 U.S.C. 371 requirements of 17 October 2007.

On 03 March 2009, applicants filed the subject response requesting that the filing receipt be corrected to indicate a "Filing or 371(c) Date" of 10 January 2007.

On 05 October 2009, a request for status was mailed.

DISCUSSION

Applicants claim that a complete copy of the English translation (including page 4 of the specification) was provided on 22 December 2006. Applicants provided a date-stamped postcard receipt of the documents filed 22 December 2006.

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Applicants have provided a copy of the date-stamped postcard receipt for documents submitted 22 December 2006. The postcard receipt records that among the papers received in the USPTO included "49pp. Trans Int. App/ 25 clms; abstr; 8pp. Dwgs (figs 1-8)." The postcard receipt is stamped "OIPE DEC 22 2006" across its face. The name of the applicants, title and docket number are listed on the postcard receipt.

Applicants have provided *prima facie* evidence that an English translation of the specification (including page 4) was provided on 22 December 2006.

DECISION

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/903 and filing receipt mailed 03 February 2009 are hereby **VACATED**.

This application is being forwarded to DO/EO/US for continued processing including mailing a corrected Form PCT/DO/EO/903 indicating a date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and date of completion of all 35 U.S.C. 371 requirements of 10 January 2007, and a corrected filing receipt with a "Filing or 371(c) Date" of 10 January 2007.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

10 MAY 2007

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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

In re Application of	:	
VERGE et al.	:	
Application No.: 11/630,828	:	NOTIFICATION
PCT No.: PCT/FR2005/001547	:	
Int. Filing Date: 21 June 2005	:	
Priority Date: 25 June 2004	:	
Attorney Docket No.: HIRSCH-36	:	
For: SINGLE COMPONENT SYSTEM BASED ON	:	
CO-REACTIVE LATEX, PREPARATION METHOD	:	
AND USE IN THE . . .	:	

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371.

BACKGROUND

On 21 June 2005, applicant filed international application PCT/FR2005/001547, which claimed a priority date of 25 June 2004 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 02 February 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 December 2006 (25 December 2006 being a Federal holiday).

On 22 December 2006, applicant filed a TRANSMITTAL LETTER (FORM PTO-1390) for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee, a preliminary amendment, and an unexecuted declaration of inventors. These papers were identified with attorney docket number **HIRSCH-36**. These application papers were assigned application number 11/630,828.

On 22 December 2006, applicant filed a second TRANSMITTAL LETTER (FORM PTO-1390) for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a preliminary amendment. These papers were identified with attorney docket number **ATOCM-0358**.

DISCUSSION

As is evident from the above recited facts, applicant submitted two sets of papers to enter the national stage for the same international application. The submission of two sets of national stage papers to enter the United States is improper.

35 U.S.C. 363 states:

> An international application designating the United States shall have the effect, from its international filing date under article 11 of the treaty, of a national application for patent regularly filed in the Patent and Trademark Office except as otherwise provided in 102(e) of this title. (emphasis added)

Further, 35 U.S.C. 371(b) states:

> (b) Subject to subsection (f) of this section, the national stage shall commence with the expiration of the applicable time limit under article 22(1) or (2), or under article 39(1)(a) of the treaty. (emphasis added)

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in the singular only, and thus only one (1) national stage application in the U.S. may develop from an international application. The Transmittal Letters filed 22 December 2006 indicate that each submission is "concerning a filing under 35 U.S.C. 371" of PCT/FR2005/001547. No conflicting instructions appear in the application papers. Accordingly, each submission should have been treated as a national stage application submitted under 35 U.S.C. 371. In that only one national stage of a PCT application is permitted, it is proper for both of the submissions to be placed in a single application and assigned a single application number. Accordingly, the submission filed 22 December 2006 having attorney docket number **ATOCM-0358** has been placed in application number 11/630,828.

Preliminary Amendments

The preliminary amendment filed 22 December 2006 having attorney docket number **HIRSCH-36** has been entered. The preliminary amendment filed 22 December 2006 having attorney docket number **ATOCM-0358** will be placed in the application file but will not be further considered.

Declaration of Inventors

It is noted that the unexecuted declaration of inventors having attorney docket number **HIRSCH-36** identifies the incorrect international application number (PCT/FR2005/005147 rather than PCT/FR2005/001547).

Fees

The fees associated with attorney docket number **ATOCM-0358** have been credited to Deposit Account No. 13-3402.

CONCLUSION

For the reasons set forth above, the submission filed 22 December 2006 having attorney docket number **ATOCM-0358** been placed in the file of application number 11/630,828.

For the reasons set forth above, the application papers filed 22 December 2006 and having attorney docket number **HIRSCH-36** will be processed in application number **11/630,828** as the national stage application of PCT/FR2005/001547.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/630,837	12/22/2006	Daisuke Motohashi	Q98994	9954

23373 7590 04/12/2010

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
AMIN, MUSTAFA A	

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
04/12/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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SUGHRUE MION PLLC
2100 Pennsylvania Ave, N.W. Suite 800
Washington, DC 20037

In re Application of: MOtohashi D.
Application No. 11/630,837
Filed: December 22, 2006
For: Document processing device and document processing method

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed January 14, 2010 to make the above-identified application special.

The petition is **DENIED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy; b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition failed item (4) above, since a First Action on the Merits was mailed to applicants April 1, 2010.

Therefore, the Petition is **DENIED**.

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/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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SCHWABE, WILLIAMSON & WYATT, P.C.
1420 FIFTH, SUITE 3010
SEATTLE WA 98101

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DEC 15 2009

OFFICE OF PETITIONS

In re Application of :
Hideaki Miyamoto et al. :
Application No. 11/630,851 : ON PETITION
Filed: December 22, 2006 :
Attorney Docket No. 120468-169736 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 28, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed May 29, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on September 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 corrected formal drawings , (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584

This application is being referred to the Office of Data Management for appropriate action in the normal course of business on the reply received.

JoAnne Burke
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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SCHWABE, WILLIAMSON & WYATT, P.C.
1420 FIFTH, SUITE 3010
SEATTLE, WA 98101

Mail Date: 04/21/2010

Applicant	: Hideaki Miyamoto	: DECISION ON REQUEST FOR
Patent Number	: 7652908	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/630,851	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/22/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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SCHWABE, WILLIAMSON & WYATT, P.C.
1420 FIFTH, SUITE 3400
SEATTLE, WA 98101-4010

Mail Date: 05/18/2010

Applicant : Hideaki Miyamoto
Patent Number : 7652908
Issue Date : 01/26/2010
Application No: 11/630,851
Filed : 12/22/2006

: 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 **300** 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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0 4 JUN 2009

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Henkel Corporation
10 Finderne Avenue
Bridgewater NJ 08807

In re Application of	:
MAGNIN et al.	:
Application No.: 11/630,853	: DECISION ON RESPONSE
PCT No.: PCT/US05/22202	:
Int. Filing: 23 June 2005	:
Priority Date: 23 June 2004	:
Attorney Docket No.: 3105.ADH	:
For: PROCESS TO GENERATE WATER BASED ADHESIVES AND THEIR USE	:

This application is before the PCT Legal Office for consideration of applicant's Response of Notification of Missing Requirements filed on 15 July 2008 in the United States Patent and Trademark Office (USPTO) in the above-captioned application requesting correction of the fourth inventor's name.

On 17 April 2008, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, was required. Specifically, the name of the fourth inventor appears different than that which is printed on the international application.

On 15 July 2008, applicant filed a response to the 905 along with a declaration and a request to correct inventor Rainer Christian **Uwe** Flucken's name. Applicant explains the error in the inventor's name is typographical. Applicant indicates that the correct inventor's name is Rainer Christian Uwe Flucken, and that Rainer C. Flucken is his legal name as indicated in the published international application.

Applicants' explanation of the difference in inventor Rainer Christian Uwe Flucken's name is accepted and noted for the record. The Request to correct the typographical error in inventor's name is **GRANTED**. No petition fee is required.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 272-0459

0 8 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON DC 20006-1021

In re Application of KAWASAKI, Shuichi et al. Application No.: 11/630,900 PCT No.: PCT/JP2005/011783 Int. Filing Date: 28 June 2005 Priority Date: 30 June 2004 Attorney's Docket No.: 2006-2258A For: BOOSTER PUMP AND LOW-TEMPERATURE-FLUID STORAGE TANK HAVING THE SAME	DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is in response to request under 37 CFR 1.48(a), filed in the United States Patent and Trademark Office on 25 January 2008. It has been treated as a request under 37 CFR 1.497(d).

BACKGROUND

On 17 August 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or oath or declaration.

On 31 August 2007, applicants filed a declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration.

On 25 January 2008, applicant filed this request accompanied by a new declaration of the inventors, adding two additional inventors.

DISCUSSION

Applicants file this request to add Takanobu Kamiya and Ryo Nakamura, as inventors.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the

processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1), (2) and (3) have been satisfied. Applicants provided statements from the inventors being added, paid the processing fee and submitted the consent of the assignee.

CONCLUSION

For the above reasons, applicants' request under 37 CFR 1.497(d) is **GRANTED**.

This application is being referred to the National Stage Processing Branch of Patent Application Processing for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 25 January 2008.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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GLOBAL IP COUNSELORS, LLP
1233 20TH STREET, NW, SUITE 700
WASHINGTON, DC 20036-2680

COPY MAILED

NOV 0 6 2009

OFFICE OF PETITIONS

In re Application of :
Yasutomi et al. :
Application No. 11/630,973 : DECISION ON PETITION
Filed: December 28, 2006 :
Attorney Docket No. DK-US040613 :

This is a decision on the petition, filed August 28, 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. Alternatively, petitioner seeks revival under the unintentional provisions of 37 CFR 1.137(b).

The petition under 1.181 is **GRANTED**.

This application was held abandoned for failure to reply in a timely manner to the Non-Final Office action mailed January 23, 2009.

Petitioner asserts that the Office action dated January 23, 2009 was not received.

A review of the written record indicates no irregularity in the mailing of the Notice, and in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from practitioner stating that the Notice was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and
3. a copy of the docket record where the non-received Notice would have been entered and docketed had it been received must be attached to and referenced in the practitioner'statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

Petitioner has adequately supported his claim of non-receipt with the evidence provided.

Accordingly, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

In view of the above, the petition under 1.137(b) is **DISMISSED AS MOOT** and the $1,620 petition fee is being refunded to petitioner's deposit as authorized.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center 3744 for further examination on the merits.

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/630,978	12/28/2006	Jan Tuma	52886	4386

1609 7590 04/14/2010

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER	
THROWER, LARRY W	

ART UNIT	PAPER NUMBER
1791	

MAIL DATE	DELIVERY MODE
04/14/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Alexandria, VA 22313-1450
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wk

APR 14 2010

Mailed:

In re application of	:	
Tuma	:	DECISION ON
Serial No. 11/630,978	:	PETITION
Filed: December 28, 2006	:	
For: Method For Producing A Supporting Web, And Supporting Web	:	

This is a response to Applicants Petition To Enter Amendment filed January 20, 2010.

Applicants filed the Amendment in reply to the Final Rejection of November 9, 2009. Applicant asserts that the Amendment to claim 18 adds only an inherent feature and is presented to overcome a rejection under 35 USC 112, second paragraph, which was raised for the first time in the final Office Action. Applicant points out that essentially identical claim language appeared in the claim before the first Office Action and was not indicated as being indefinite.

Original claim 8 had the phrase "(another screen 20) for applying the negative pressure". The Examiner's 1st Office Action of November 13, 2008 did not rejected claim 8 for indefiniteness. In response to the office action, Applicant cancelled claims 1-10 and presented claims 11-22 on March 11, 2009.

New claim 18 at that time had the phrase "another screen layer for applying the negative pressure". The final Office Action of November 9, 2009 rejected newly added claim18 under 35 USC 112(2) because the phrase "another screen layer for applying the negative pressure" was indefinite because it was unclear how a screen layer applies negative pressure. The Examiner pointed out that the specification disclosed that negative pressure was applied by a vacuum.

The Applicant, after final, submitted an amended claim 18. The phrase "another screen layer for applying the negative pressure" was amended to "another screen layer with passages therein through which the negative pressure is applied". Applicant asserts in the remarks that accompanied the proposed amendment, that the screen layer when reasonably interpreted in view of the specification, does in fact apply a negative pressure and that claim18 was amended to clarify that the negative pressure is applied through passages of the other screen layer. The Examiner denied entry of the amendment because the amendment introduces new limitations into claim 18 which would require further consideration and search.

A review of the record does indicate that amendment entry would have place the application in condition for allowance or in better form for appeal. The Examiner is directed to enter the amendment filed on January 20, 2010.

DECISION

The Petition is **GRANTED**.

/JACQUELINE STONE/

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Mark S. Bicks
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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.
11/630,979	12/28/2006	Jean-Paul Bindelle	300635US6PCT	4382

22850 7590 06/11/2010

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
BHAT, NINA NMN	

ART UNIT	PAPER NUMBER
1797	

NOTIFICATION DATE	DELIVERY MODE
06/11/2010	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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JUN 11 2010

wk

Mailed :
In re Application of
Bindelle et al.
Serial No. 11/630,979
Filed: December 28, 2006
For: THERMAL CONDITIONING CONTAINER AND METHOD OF MANUFACTURING IT

: DECISION ON
: PETITION

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on February 17, 2010 to consider the Information Disclosure Statement (IDS) that was filed on December 28, 2006. The Examiner did consider the IDS however the reference listed under 'AW" was not initialled nor crossed out

DECISION

Accordingly, the petition is **GRANTED**.

The Examiner is requested to consider the reference"AW" on the IDS that was filed December 28, 2006 and to make of record the consideration of that reference.

/JACQUELINE STONE/

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Philippe J.C. Signore
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

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31 MAR 2008

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of :
HORSHAM et al. :
U.S. Application No. 11/630,982 : DECISION ON PETITION
PCT No.: PCT/AU05/00941 :
Int. Filing Date: 28 June 2005 :
Priority Date: 28 June 2004 :
Attorney Docket No.: 064162-0036 :
For: OXYGEN SCAVENGING :
COMPOSITION AND METHOD FOR
MAKING SAME

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 22 January 2008 to accept the application without the signature of joint-inventor, Michael McNally.

BACKGROUND

On 28 June 2005, applicants filed international application PCT/AU05/00941 which claimed a priority date of 28 June 2004. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 28 December 2006.

On 28 December 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment; and a copy of the international application.

On 20 November 2007, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 22 January 2008, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Applicants have satisfied Item (1).

As to item (2), section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

A review of the present petition reveals that petitioner has not shown that a bona fide attempt was made to present the application papers (specification, claims, drawings, and oath/declaration) to Michael McNally. The declaration of Graham Gourlay states that Michael McNally refuses to sign the inventor's declaration for this application. However, no documentary evidence to support the refusal or the attempt was provided with Graham Gourlay's declaration.

As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, drawings, and oath/declaration) were sent to Michael McNally, and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

Regarding item (3), applicants have not provided the last known address of the nonsigning inventor (Michael McNally). Accordingly, item (3) is therefore satisfied.

Item (4) has not been satisfied. The declaration submitted includes an alteration to the first inventor's name. (See MPEP §605.04(a) and 37 CFR 1.52(c)) Any changes made in ink in the application or oath prior to signing should be initiated and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether non-initialed and/or non-dated alteration were made before or after signing of the oath or declaration but will require a new oath or declaration. See MPEP 605.04(a). Therefore, a newly executed declaration is required. Further, it appears that the declaration has been altered to correct the inventor's name. If this is the case, an explanation pursuant to Manual of Patent Examining Procedure §201.03 or §605.04(a) is required.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Michael McNally under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

0 6 JUN 2008

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Mcdermott Will & Emery LLP
600 13th Street, N.W.
Washington, DC 20005-3096

In re Application of :
HORSHAM et al. :
U.S. Application No. 11/630,982 : DECISION ON PETITION
PCT No.: PCT/AU05/00941 :
Int. Filing Date: 28 June 2005 :
Priority Date: 28 June 2004 :
Attorney Docket No.: 064162-0036 :
For: OXYGEN SCAVENGING :
COMPOSITION AND METHOD FOR
MAKING SAME

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 29 May 2008 to accept the application without the signature of joint-inventor, Michael McNally.

BACKGROUND

On 28 June 2005, applicants filed international application PCT/AU05/00941 which claimed a priority date of 28 June 2004. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 28 December 2006.

On 28 December 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment; and a copy of the international application.

On 20 November 2007, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 22 January 2008, applicants filed a petition under 37 CFR 1.47(a). In a decision dated 31 March 2008, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 29 May 2008, applicants filed a renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

Here, the evidence submitted to demonstrate Michael McNally's refusal to execute the application papers is contained in the Declaration of Graham Gorlay included in the renewed petition, and the exhibits thereto. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Item (4) has not been satisfied. Petitioner has provided a defective executed composite declaration. A composite declaration under 37 CFR 1.497(a)-(b) requires that the declaration must be complete and identify each inventor in each set of declarations provided. The composite declaration is defective because it contains multiple duplicate sheets (see page 3 of 3). This suggests that the enclosed declaration was constructed from numerous complete declarations or that the inventors forwarded to counsel only the signature pages of the declaration. Either alternative renders the submitted declaration defective under 37 CFR 1.497. While each inventor need not execute the same oath or declaration, where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. (See MPEP 201.03 B. Oath or Declaration.)

For the reasons stated above, it would not be appropriate to accept the application without the signature of Michael McNally under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
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UNITED STATES PATENT AND TRADEMARK OFFICE

19 AUG 2008

Commissioner for Patents
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McDermott Will & Emery LLP
600 13th Street, N.W.
Washington, DC 20005-3096

In re Application of :
HORSHAM et al. :
U.S. Application No. 11/630,982 : DECISION ON PETITION
PCT No.: PCT/AU05/00941 :
Int. Filing Date: 28 June 2005 :
Priority Date: 28 June 2004 :
Attorney Docket No.: 064162-0036 :
For: OXYGEN SCAVENGING :
COMPOSITION AND METHOD FOR
MAKING SAME

In a decision mailed by this Office on 06 June 2008, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, applicants had not submitted an acceptable declaration executed by the cooperating inventors on their own behalf and on behalf of the non-signing inventor (the declaration submitted appeared to be a compilation of multiple declaration documents).

On 30 July 2008, applicants filed the renewed petition considered herein. The renewed petition is accompanied by copies of the complete three-page declaration documents executed by the four cooperating inventors, each of which includes an unsigned signature block for the non-signing inventor. These declarations satisfy the final outstanding requirement for a grantable petition under 37 CFR 1.47(a).

The renewed petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted without the signature of non-signing inventor, Michael McNally.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 30 July 2008.

Anthony Smith
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19 AUG 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Michael McNally
6 Suzanne Close
Berowra Heights, NSW 2082
Australia

In re Application of
HORSHAM et al.
U.S. Application No. 11/630,982
PCT No.: PCT/AU05/00941
Int. Filing Date: 28 June 2005
Priority Date: 28 June 2004
Attorney Docket No.: 064162-0036
For: OXYGEN SCAVENGING COMPOSITION AND METHOD FOR MAKING SAME

Dear Michael McNally:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

Counsel of Record:
McDermott Will & Emery LLP
600 13th Street, N.W.
Washington, DC 20005-3096

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United States Patent and Trademark Office
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BASF Performance Products LLC
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

Mail Date: 04/20/2010

Applicant	: Philippe Bugnon	: DECISION ON REQUEST FOR
Patent Number	: 7621994	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/631,082	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/28/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **402** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 20 2010

OFFICE OF PETITIONS

WENDEROTH LIND & PONACK LLP
1030 15TH STREET NW
SUITE 400 EAST
WASHINGTON DC 20005-1503

In re Application :
Kudou, et al. :
Application No. 11/631,128 : DECISION ON APPLICATION
Filed: February 20, 2007 : FOR PATENT TERM ADJUSTMENT
Docket No. 2006_2277A :

This is a decision on the "LETTER REGARDING PATENT TERM ADJUSTMENT", filed December 31, 2009. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from sixty-eight (68) days to twenty-four (24) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **twenty-four (24) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On October 1, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date was sixty-eight (68) days.

The Office initially determined a patent term adjustment of sixty-eight (68) days based on an adjustment for PTO delay of

sixty-eight (68) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), reduced by zero (0) days of applicant delay.

However, Applicants point out that forty-four (44) days of Applicant delay should have been assessed. A review of the application file in the Image File Wrapper reveals that Applicants are correct. The Office mailed a non-final Office action on April 14, 2009, to which applicants timely responded on July 14, 2009. However, subsequently, Applicants filed an IDS on August 27, 2009. Accordingly, forty-four (44) days of Applicant delay pursuant to 37 CFR 1.704(c)(8) should have been assessed for this filing.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **twenty-four (24) days** (68 days of PTO delay, reduced by 44 days of applicant delay).

The $200 fee for filing the instant application for patent term adjustment under 37 CFR 1.705(b) has been charged to Deposit Account No. 23-0975, as authorized.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of Revised PAIR Screen

Day : Sunday
Date: 7/18/2010

PALM INTRANET

Time: 11:56:00

PTA Calculations for Application: 11/631128			
Application Filing Date:	02/20/2007	PTO Delay (PTO):	68
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	24
PTO Delay Adjustment:	-44		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
55	07/18/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		44	
46	10/01/2009	MAIL NOTICE OF ALLOWANCE			
45	09/28/2009	ISSUE REVISION COMPLETED			
44	09/28/2009	DOCUMENT VERIFICATION			
43	09/29/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
42	09/29/2009	NOTICE OF ALLOWABILITY			
41	08/27/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
40	08/27/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
34	09/18/2009	DATE FORWARDED TO EXAMINER			
33	07/14/2009	RESPONSE AFTER NON-FINAL ACTION			
32	08/27/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
31	08/27/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
30	04/14/2009	MAIL NON-FINAL REJECTION			
29	04/13/2009	NON-FINAL REJECTION			
23	04/06/2009	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
22	04/06/2009	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
21	04/10/2009	DATE FORWARDED TO EXAMINER			
20	04/06/2009	AMENDMENT AFTER FINAL REJECTION			
19	01/06/2009	MAIL FINAL REJECTION (PTOL - 326)			
18	01/05/2009	FINAL REJECTION			
17	10/26/2008	DATE FORWARDED TO EXAMINER			

16	09/24/2008	RESPONSE AFTER NON-FINAL ACTION			
15	06/27/2008	MAIL NON-FINAL REJECTION	68		-1
14	06/23/2008	NON-FINAL REJECTION			
12	02/08/2008	CASE DOCKETED TO EXAMINER IN GAU			
11	02/07/2008	PG-PUB ISSUE NOTIFICATION			
9	12/09/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
7	11/08/2007	APPLICATION DISPATCHED FROM OIPE			
6	11/01/2007	SENT TO CLASSIFICATION CONTRACTOR			
5	11/01/2007	FILING RECEIPT			
4	11/01/2007	NOTICE OF DO/EO ACCEPTANCE MAILED			

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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18 AUG 2008

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Alexandria, VA 22313-1450
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KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585

In re Application of
HARRISON et al.
Application No.: 11/631,143
PCT No.: PCT/GB05/02547
Int. Filing Date: 29 June 2005
Priority Date: 29 June 2004
Attorney Docket No.:SCDY22 880
For: CONTROL OF DATA PROCESSING

DECISION ON

under 37 CFR 1.497(d)

This is a decision on applicant's " Petition to Correct Inventorship Pursuant to 37 CFR 1.48(a)", treated as a petition under 37 CFR 1.497(d) and filed on 09 January 2008 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application.

BACKGROUND

On 14 November 2007, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, were required as the declaration provided was not executed in accordance with either 37 CFR 1.66 or 1.68. Applicant was advised that the inventors identified on the declaration were not those listed on the international application.

On 09 January 2008, applicant filed a petition under 37 CFR 1.48(a)(1) for correction of inventorship, to add Phillip Robert Harrison and Peter John Marshall as inventors and to delete Ronald Jonas Festejo . In addition to the $130 petition fee, Petitioner provided the statement of the inventor Messrs. Festejo, Harrison and Marshall as inventors in support of the correction of inventorship under 37 CFR 1.497(d). An executed declaration by the joint inventors was provided.

DISCUSSION

At the outset, it is noted that 37 CFR 1.48(a) is directed to non-provisional applications. A national stage application is not considered a non-provisional application until the requirements of 35 U.S.C. 371 are complete. Thus, a petition under 37 CFR 1.48(a) does not apply to the instant application at this time. Such request to correct inventorship is treated as a petition under

37 CFR 1.497(d)[1], to correct an inventive entity if different from the inventive entity identified in the international application.

A Notification of Missing Requirements indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was mailed on 14 November 2007 indicating that the declaration was not executed in accord with 37 CFR 1.66 or 1.68.

In response to the Notification, applicant filed an executed declaration on 09 January 2008 along with the instant petition. The inventors identified on the declaration where not the inventors listed on the published international application.

With regard to applicant's petition, applicant satisfied the requirements of 37 CFR 1.497(d) and met all of the requirements to add Phillip Robert Harrison and Peter John Marshall as co-inventors and to delete Ronald Jonas Festejo as sole inventor in the above-identified international application. The declaration is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

CONCLUSION

For the reasons discussed above, the submission under 37 CFR 1.497(d) to add Phillip Robert Harrison and Peter John Marshall as inventors and to delete Ronald Jonas Festejo as an inventor is hereby **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Acceptance indicating a 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) date of 09 January 2008.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571)272-3286
Facsimile: (571)273-0459

[1] Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

UNITED STATES PATENT AND TRADEMARK OFFICE

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DRINKKER BIDDLE & REATH (dc)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

MAILED

NOV 24 2009

OFFICE OF PETITIONS

In re Application of :
Markku Keskiniva et al :
Application No. 11/631,150 : DECISION GRANTING PETITION
Filed: December 29, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 47121-5023-00 (235994) :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 23, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 2, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3721 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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OFFICE OF PETITIONS

ANDRUS SCEALES STARKE & SAWALL LLP
100 EAST WISCONSIN AVENUE SUITE 1100
MILWAUKEE WI 53202

In re Application of	:	
Takeuchi, et al.	:	DECISION ON PETITION
Application No. 11/631,227	:	
Filed: January 3, 2008	:	
Attorney Docket No. 3335-00016	:	

This is a decision on the "PETITION UNDER 37 CFR 1.182 TO WITHDRAW TERMINAL DISCLAIMERS", filed November 9, 2009. The petition is also being treated as a petition under 37 CFR 1.181 for a refund of the terminal disclaimer fees.

The petition under 37 CFR 1.182 is **GRANTED**.

The petition under 37 CFR 1.181 is **DISMISSED**.

The matter is being forwarded to Group Art Unit 3761. The examiner is directed to withdraw the terminal disclaimer over US Application Nos. 11/630,915, 11/630,914, 11/630,913, and 11/630,912.

Receipt of the $400 petition fee is acknowledged.

However, applicants request for a refund of the fees paid for the terminal disclaimer must be dismissed. Pursuant to 37 CFR 1.26(a), on fees paid by mistake or in excess of that required may be refunded. A change of change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which a fee was paid, will not entitle the party to a refund of such fee.

Telephone inquiries concerning this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

22 JUN 2009

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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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

In re Application of	:	
ROYSNER et al.	:	
Application No.: 11/631,229	:	DECISION
PCT No.: PCT/US2005/014523	:	
Int. Filing Date: 27 April 2005	:	
Priority Date: 29 October 2004	:	
Attorney Docket No.: 54240/W477	:	
For: LIQUID FOOD FOUNTAIN	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 01 May 2009 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 27 April 2005, applicants filed international application PCT/US2005/014523, which designated the United States and claimed a priority date of 29 October 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 11 May 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 April 2007 (29 April 2007 being a Sunday).

On 01 February 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 01 October 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 01 May 2009, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, several declarations of inventors, and a declaration of facts by LeRoy T. Rahn.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1) and (3) have been satisfied.

Item (2) has not been satisfied. To establish a refusal to sign, it is required that the inventor be presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)." Here, it does not appear that Howard F. Wilkonson was presented with a copy of the application papers (paragraph 2 of the declaration of LeRoy R. Rahn).

Item (4) has not been satisfied. The declaration filed 01 May 2009 signed by Peter E. Karaiskos is not sufficient because it contains non-initialed alterations. 37 CFR 1.52(c). "The Office will not consider whether noninitialed and or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration." MPEP § 605.04(a). Item I.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37

CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

30 SEP 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHRISTIE, PARKER & HALE, LLP
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PASADENA CA 91109-7068

In re Application of	:	
ROYSNER et al.	:	
Application No.: 11/631,229	:	DECISION
PCT No.: PCT/US2005/014523	:	
Int. Filing Date: 27 April 2005	:	
Priority Date: 29 October 2004	:	
Attorney Docket No.: 54240/W477	:	
For: LIQUID FOOD FOUNTAIN	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 24 August 2009 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 27 April 2005, applicants filed international application PCT/US2005/014523, which designated the United States and claimed a priority date of 29 October 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 11 May 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 April 2007 (29 April 2007 being a Sunday).

On 01 February 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 01 October 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 01 May 2009, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, several declarations of inventors, and a declaration of facts by LeRoy T. Rahn.

On 22 June 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided and that an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor had not been provided.

On 24 August 2009, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, inter alia, a declaration of inventors, a declaration of facts by Angela Beddawi and supporting documentation.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 22 June 2009, items (1) and (3) have been satisfied.

Item (2) has now been satisfied. It has been established that Mr. Wilkinson was presented with a copy of the application papers. Mr. Wilkinson has orally refused to sign.

Item (4) has now been satisfied as well.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be

forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **24 August 2009**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

30 SEP 2009

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. Howard F. Wilkinson
6210 Melba Avenue
Woodland Hills, CA 91367-1519

In re Application of
ROYSNER et al.
Application No.: 11/631,229
PCT No.: PCT/US2005/014523
Int. Filing Date: 27 April 2005
Priority Date: 29 October 2004
Attorney Docket No.: 54240/W477
For: LIQUID FOOD FOUNTAIN

Dear Mr. Wilkinson:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
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CHRISTIE, PARKER & HALE, LLP
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22 JAN 2007

G. SCOTT DORLAND
MORRIS O'BRYANT CAMPAGNI PC
136 SOUTH MAIN
SUITE 700
SALT LAKE CITY, UT 84101

In re Application of KUCZYNSKI et al.
Application No.: 11/631,230
PCT No.: PCT/IB05/50737
Int. Filing: 01 March 2005
Priority Date: 01 March 2004
Attorney Docket No.: 3868.ADAM.PT
For: NUCLEAR FUEL

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 29 December 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the"entire delay in filing the required reply from the due date for the required reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $300 has now been provided. The required petition fee of $1500 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

18 AUG 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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04955
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
Bradford Green, Building 5
755 Main Street, P.O. Box 224
Monroe, CT 06468

In re Application of :
WALSH, Rod :
Application No.: 11/631,235 :
PCT No.: PCT/IB2004/002172 : **DECISION**
Int. Filing Date: 30 June 2004 :
Priority Date: None :
Attorney Docket No.: 915-007.228 :
For: TRANSFER OF DATA OBJECTS :

The petition under 37 CFR 1.181 filed 16 June 2008 is hereby **GRANTED** as follows:

The Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) mailed 10 March 2008 recorded the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and date of completion of all 35 U.S.C. 371 requirements as 29 December 2006. The filing receipt mailed 10 March 2008 also indicated a "Filing or 371(c) Date" of 29 December 2006.

A review of the application shows that the initial national stage papers were provided using Express Mail service on 28 December 2006. It appears that several of the initial papers were erroneously stamped as received by the Office on 29 December 2006, while others were stamped as received on 28 December 2006. The proper date is 28 December 2006[1].

As such, the Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) and filing receipt mailed 10 March 2008 both contain erroneous information and are hereby **VACATED**.

This application is being forwarded to the DO/EO/US to mail a corrected Form PCT/DO/EO/903 and filing receipt indicating the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and "Filing or 371(c) Date" of 28 December 2006.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

[1] The Express Mail number is listed on the transmittal letter as being deposited on 28 December 2006. Applicant also submitted a copy of the Express Mail label showing a "Date Accepted" of "12 28 06." A check of USPS Track/Confirm records confirm that the papers were deposited with the USPS on 28 December 2006.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

19 JAN 2007

Morriss O'Bryant Compagni
136 South Main
Suite 700
Salt Lake City UT 84101

In re Application of:
KUCZYNSKI, Leszek, Andrzej
U.S. Application No.: 11/631,240
Int'l Application No: PCT/IB2005/050736
Int'l Filing Date: 01 March 2005
Priority Date: 01 March 2004
Atty Docket No.: 3867.ADAM.PT
For: NUCLEAR FUEL

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 29 December 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date of the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3).

Applicants have now submitted the basic national fee, and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the United States of America.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497.

Richard M. Ross
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Alexandria, VA 22313-1450
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12 FEB 2007

G. Scott Dorland
MORRISS O'BRYANT COMPAGNI, P.C.
136 South Main Street, Suite 700
Salt Lake City, UT 84101

In re Application of :
KUCZYNSKI, Leszek Andrzej :
U.S. Application No.: 11/631,245 :
PCT No.: PCT/IB2005/050738 :
Int. Filing Date: 01 March 2005 :
Priority Date: 01 March 2004 :
Attorney Docket No.: 3869.ADAM.PT :
For: NUCLEAR FUEL PROVIDED WITH A COATING :

DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 29 December 2006 with the national stage papers is hereby **GRANTED** as follows:

The basic national fee, surcharge fee and the petition fee have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) is required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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

09 MAR 2007

GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
EXCHANGE PLACE
BOSTON MA 02109-2881

In re Application of :
LIVERUD et al. :
Application No.: 11/631,252 : DECISION ON PETITION
PCT No.: PCT/IB05/02557 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 30 June 2005 :
Priority Date: 30 June 2004 :
Attorney Docket No.: MKC-010 :
For: DESALTING PROCESS

The petition to revive under 37 CFR 1.137(b) filed 27 February 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
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Fax: (571) 273-0459

2 3 APR 2008

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23389
SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza
Suite 300
Garden City, NY 11530

In re Application of :
SHIMIZU *et al* :
U.S. Application No.: 11/631,275 :
PCT No.: PCT/JP2005/000773 :
Int. Filing Date: 21 January 2005 : **DECISION**
Priority Date: :
Attorney Docket No.: 20585 :
For: RADIO INTRA-SUBJECT :
INFORMATION ACQUIRING SYSTEM :

This decision is in response to the petition under 37 CFR 1.182 filed on 19 November 2007.

BACKGROUND

On 29 December 2006, applicants filed a U.S. national stage application of PCT/JP2005/000773 under 35 U.S. 371.

On 09 April 2007, applicants submitted an executed declaration listing all four inventors as recorded on the international publication ("WO/2006/077643") for PCT/JP2005/000773.

On 07 May 2007, applicants filed another declaration listing only one inventor.

On 26 October 2007, applicants submitted a letter explaining that the serial number on the cover letter of the papers filed 07 May 2007 recorded the wrong U.S. application number.

On 19 November 2007, applicants filed the subject petition under 37 CFR 1.182.

DISCUSSION

Applicants petition to remove the declaration and letter submitted on 07 May 2007 from the subject application and place in U.S. application No. 11/631,273.

Copied from 11631275 on 04/25/2008

This request is treated as a petition under 37 CFR 1.182. The $400.00 petition fee has been paid.

Applicants explain that the application number on the cover letter on the papers filed 07 May 2007 erroneously indicated that the U.S. application No. was 11/631,275 instead of 11/631,273.

A review of the above-captioned application file verifies that the second declaration filed 07 May 2007 is for U.S. application No. 11/631,273, which is the national stage of PCT/JP2006/301795. The title, priority application and inventor all correspond to PCT/JP2006/301795, not PCT/JP2005/000773.

As such, it is clear that applicants inadvertently indicated the wrong application number on the cover letter accompanying the declaration on 07 May 2007.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The papers filed 07 May 2007 in the subject application (including the executed declaration) will be moved to U.S. application number 11/631,273.

A copy of this decision will be placed in U.S. application number 11/631,273.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

Copied from 11631275 on 04/25/2008

2 3 APR 2008

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SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza
Suite 300
Garden City, NY 11530

In re Application of :
SHIMIZU *et al* :
U.S. Application No.: 11/631,275 :
PCT No.: PCT/JP2005/000773 :
Int. Filing Date: 21 January 2005 : **DECISION**
Priority Date: :
Attorney Docket No.: 20585 :
For: RADIO INTRA-SUBJECT :
INFORMATION ACQUIRING SYSTEM :

This decision is in response to the petition under 37 CFR 1.182 filed on 19 November 2007.

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As such, it is clear that applicants inadvertently indicated the wrong application number on the cover letter accompanying the declaration on 07 May 2007.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The papers filed 07 May 2007 in the subject application (including the executed declaration) will be moved to U.S. application number 11/631,273.

A copy of this decision will be placed in U.S. application number 11/631,273.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

James Thomson

James Thomson
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Copied from 11631275 on 04/25/2008

2 3 APR 2008

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In re Application of :
SHIMIZU *et al* :
U.S. Application No.: 11/631,275 :
PCT No.: PCT/JP2005/000773 :
Int. Filing Date: 21 January 2005 : **DECISION**
Priority Date: :
Attorney Docket No.: 20585 :
For: RADIO INTRA-SUBJECT :
INFORMATION ACQUIRING SYSTEM :

This decision is in response to the petition under 37 CFR 1.182 filed on 19 November 2007.

BACKGROUND

On 29 December 2006, applicants filed a U.S. national stage application of PCT/JP2005/000773 under 35 U.S. 371.

On 09 April 2007, applicants submitted an executed declaration listing all four inventors as recorded on the international publication ("WO/2006/077643") for PCT/JP2005/000773.

On 07 May 2007, applicants filed another declaration listing only one inventor.

On 26 October 2007, applicants submitted a letter explaining that the serial number on the cover letter of the papers filed 07 May 2007 recorded the wrong U.S. application number.

On 19 November 2007, applicants filed the subject petition under 37 CFR 1.182.

DISCUSSION

Applicants petition to remove the declaration and letter submitted on 07 May 2007 from the subject application and place in U.S. application No. 11/631,273.

This request is treated as a petition under 37 CFR 1.182. The $400.00 petition fee has been paid.

Applicants explain that the application number on the cover letter on the papers filed 07 May 2007 erroneously indicated that the U.S. application No. was 11/631,275 instead of 11/631,273.

A review of the above-captioned application file verifies that the second declaration filed 07 May 2007 is for U.S. application No. 11/631,273, which is the national stage of PCT/JP2006/301795. The title, priority application and inventor all correspond to PCT/JP2006/301795, not PCT/JP2005/000773.

As such, it is clear that applicants inadvertently indicated the wrong application number on the cover letter accompanying the declaration on 07 May 2007.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The papers filed 07 May 2007 in the subject application (including the executed declaration) will be moved to U.S. application number 11/631,273.

A copy of this decision will be placed in U.S. application number 11/631,273.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

James Thomson

James Thomson
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UNITED STATES PATENT AND TRADEMARK OFFICE

16 MAY 2008

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Buchanan, Ingersoll & Rooney PC
Post Office Box 1404
Alexandria, VA 22313-1404

In re Application of
KAWANISHI et al.
U.S. Application No. 11/631,362
PCT No.: PCT/JP05/12632
Int. Filing Date: 01 July 2005
Priority Date: 01 July 2004
Attorney Docket No.: 1019519-000585
For: OPTICAL CELLULOSE ACYLATE FILM, POLARIZING PLATE AND LIQUID CRYSTAL DISPLAY

DECISION ON PAPERS
UNDER 37 CFR 1.42

This decision is issued in response to the declaration filed on 16 November 2007 which is being treated as a request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 01 July 2005, applicant filed international application PCT/JP05/12632 which claimed priority to an earlier application filed 01 July 2004. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 12 January 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 01 January 2007.

On 29 December 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee ; a translation of the international application; and a preliminary amendment.

On 08 November 2007, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. Applicant was afforded two months to file the required response.

On 16 November 2007, applicants filed a declaration executed by Takako Nishiura on behalf of deceased inventor, Yosuke Nishuira.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration submitted on 16 November 2007 was executed by Takako Nishiura as "legal representatives" of deceased inventor, Yosuke Nishuira. The declaration is executed by the proper party under 37 CFR 1.42, however, the declaration does not satisfy the requirements under 37 CFR 1.497(b)(2).

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for both the deceased inventor and the legal representative must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497).

Here, the declaration filed on 16 November 2007 provides the citizenship for only one individual and it is unclear whether this information is for the legal representative or the deceased inventor. Accordingly, the declaration is not in compliance with 37 CFR 1.42 and 37 CFR 1.497(b)(2).

CONCLUSION

For the reasons discussed above, the request for status under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants have **TWO (2) MONTHS** from the mailing date of this communication to submit a proper response under 37 CFR 1.42 and 37 CFR 1.497. Failure to provide a proper and timely response will result in abandonment. Extensions of time are available under 37 CFR 1.136(a).

A proper response must include a new declaration in compliance with 37 CFR 1.497 executed by the legal representative and including all the required information discussed above.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
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UNITED STATES PATENT AND TRADEMARK OFFICE

28 JUL 2008

Commissioner for Patents
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Buchanan, Ingersoll & Rooney PC
Post Office Box 1404
Alexandria, VA 22313-1404

In re Application of
KAWANISHI et al.
U.S. Application No. 11/631,362
PCT No.: PCT/JP05/12632
Int. Filing Date: 01 July 2005
Priority Date: 01 July 2004
Attorney Docket No.: 1019519-000585
For: OPTICAL CELLULOSE ACYLATE FILM, POLARIZING PLATE AND LIQUID CRYSTAL DISPLAY

DECISION ON PAPERS
UNDER 37 CFR 1.42

In a communication mailed by this Office on 16 May 2008, the declaration filed by applicant on behalf of deceased inventor Yosuke Nishuira was dismissed for failure to include all the information required under 37 CFR 1.497. (The declaration did not include the country of citizenship for the both the legal representative and deceased inventor.)

On 07 July 2008, applicant filed a response to the previous communication that was accompanied by a revised declaration. The declaration submitted on 07 July 2008 identifies the deceased inventor and states the deceased inventor's country of citizenship and residence, is signed by Takako Nishiura as "Legal Representative," states his/her relationship to the deceased (i.e., Legal Representative), and provides the Legal Representative's country of citizenship and residency. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

The request for status under 37 CFR 1.42 is **GRANTED**.

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

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UNITED STATES PATENT AND TRADEMARK OFFICE

07 AUG 2008

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22865
ALTERA LAW GROUP, LLC
220 S. 6TH Street, Suite 1700
Minneapolis, MN 55402

In re Application of :
BENVENUTO, Michele :
U.S. Application No.: 11/631,385 :
PCT No.: PCT/IT2005/000356 :
Int. Filing Date: 20 June 2005 :
Priority Date: 02 July 2004 : **DECISION**
Docket No.: 01490.0322-US-WO :
(formerly C&P-180US) :
For: DEVICE FOR REGULATING THE :
DELIVERY PRESSURE OF :
COMBUSTIBLE GASES :

This decision is in response to the "Revocation and Power of Attorney" filed on 22 February 2007 and again on 29 March 2007.

DISCUSSION

37 CFR 1.36(a) states that a power of attorney may be revoked at any stage in the proceedings of a case by an applicant or assignee. Section 402.05 of the Manual of Patent Examining Procedure (MPEP) discusses revocation and states:

> Revocation of the power of attorney becomes effective on the date that the revocation is RECEIVED in the Office (not on the date of ACCEPTANCE).

Here, the request for revocation and power of attorney to the attorneys and/or patent agents associated with customer number 22865 was signed by the assignee of the subject application. A statement under 37 CFR 3.73(b) was also provided signed by the President of the assignee, Sit La Precisa S.P.A.

A review of the application verifies that an assignment to Sit La Precisa S.P.A. has been made. The correspondence address and attorney docket number have also been changed.

CONCLUSION

Applicants' request for revocation has been **GRANTED**.

This application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing.

A copy of this decision will be forwarded to applicants' former counsel.

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Office of PCT Legal Administration

Tel.: (571) 272-3302

cc: RATNERPRESTIA
P.O. Box 980
Valley Forge, PA 19482-0980

0 7 JAN 2008
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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Berenato, White & Stavish
6550 Rock Spring Drive
Suite 240
Bethesda MD 20817

In re Application of	:	
Brunnekreef et al.	:	
Application No.: 11/631,406	:	DECISION
PCT No.: PCT/EP05/07124	:	
Int. Filing Date: 01 July 2005	:	ON
Priority Date: 05 July 2004	:	
Attorney Docket No.: 26202.590	:	PETITION
For: Automatic Callback Method In A Communications System	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 12 December 2007.

BACKGROUND

This international application was filed on 01 July 2005, claimed an earlier priority date of 05 July 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 12 January 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 05 January 2007. Applicants filed *inter alia* the basic national fee on 03 January 2007.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, the $200.00 petition fee is being charged to Deposit Account No. 50-0548, as authorized by the petition.

Regarding **requirement (2)**, petitioner seeks relief under 37 CFR 1.47(a) on the basis that joint inventors Brunnekreef and Snijder have refused to execute the application. Counsel's attention is respectfully drawn to MPEP 409.03(d), which states in part:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a

petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal. When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition

Petitioner describes, and provides copies of, letters he sent to each of the non-signing inventors at their respetive last-known addresses, on 01 March 2007 and on 26 March 2007, transmitting copies of the application and declaration documents to the inventors and requesting their execution of the application. Petitioner states that neither inventor has returned an executed declaration as of the filing date of the petition. This evidence satisfies requirement (2).

Regarding **requirement (3)**, the petition states the last-known addresses of the non-signing inventors. Accordingly, requirement (3) has been satisfied.

Regarding **requirement (4)**, the declaration of inventorship accompanying the instant petition is acceptable.

DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **12 December 2007**.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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07 JAN 2008

United States Patent and Trademark Office

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Rob Snijder
Dorfstraße 27
8305 Dietlikon
SWITZERLAND

In re Application of
Brunnekreef et al.
Application No.: 11/631,406
PCT No.: PCT/EP05/07124
Int. Filing Date: 01 July 2005
Priority Date: 05 July 2004
Attorney Docket No.: 26202.590
For: Automatic Callback Method In A Communications System

Dear Mr. Snijder:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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07 JAN 2008

United States Patent and Trademark Office

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Erik Brunnekreef
Rua Mato do Cordeiro, 42
2645-532 Alcabideche
PORTUGAL

In re Application of
Brunnekreef et al.
Application No.: 11/631,406
PCT No.: PCT/EP05/07124
Int. Filing Date: 01 July 2005
Priority Date: 05 July 2004
Attorney Docket No.: 26202.590
For: Automatic Callback Method In
A Communications System

Dear Mr. Brunnekreef:

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.

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of a joint inventor. The petition has been granted. A notice has been sent to the last known address of each non-signing inventor. The inventors whose signatures are missing (Erik BRUNNEKREEF and Rob SNIJDER) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/EP05/07124 and was filed on July 1, 2005 in the names of Erik BRUNNEKREEF, Sven DONHUYSEN and Rob SNIJDER for the invention entitled AUTOMATIC CALLBACK METHOD IN A COMMUNICATIONS SYSTEM. The national stage application number is 11/631,406 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of December 12, 2007.

23 JAN 2007

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United States Patent and Trademark Office
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www.uspto.gov

Jeffrey S. Melcher
Manelli Denison & Selter, PLLC
2000 M Street, N.W. 7th Floor
Washington, D.C. 20036-3307

In re Application of	:	
MORTENSEN, et al.	:	
U.S. Application No.: 11/631,407	:	DECISION ON PETITION
PCT No.: PCT/IB05/01723	:	
Int. Filing Date: 10 June 2005	:	UNDER 37 CFR 1.47(a)
Priority Date: 02 July 2004	:	
Attorney Docket No.: 16003-30409	:	
For: METHOD AND COOLER FOR COOLING HOT PARTICULATE MATTER	:	

This decision is in response to the applicant's "Petition Under 37 C.F.R. §1.47 (a) For Co-Inventor to File The Present Application on Behalf of Himself And on Behalf of Non-Signing Inventor" filed 03 January 2007 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of co-inventor Mogens Juhl Fons.

BACKGROUND

On 10 June 2005, applicant filed international application PCT/IB05/01723 which claimed priority to an earlier application filed 02 July 2004. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 19 January 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 January 2007.

On 03 January 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee, an Information Disclosure Statement, a preliminary amendment and the present petition under 37 CFR 1.47(a) considered herein.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items (1), (3) and (4) above.

Regarding item (2), Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) states, in part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

Applicant has provided a firsthand statement from Mr. Peter Kylin stating that he mailed a complete set of application papers along with a declaration for execution to Mr. Fons by registered mail and that Mr. Fons has not responded. In addition, Mr. Kylin states that a Mr. Lars Witt subsequently told him that Mr. Fons stated to Mr. Witt that he had received the papers and that he would not cooperate. However, applicant has not provided proof of delivery of the mailing of 21 November 2006 nor a firsthand statement from Mr. Witt. Applicant has also included a letter of 24 October 2006 from the inventor detailing his frustration with FLSmidth. However, the letter does not expressly state that the application papers should not be sent. If applicant can provide proof of delivery of the 21 November 2006 mailing, Mr. Fons continued silence would constitute a refusal for the purposes of 37 CFR 1.47(a). In addition, this could be accomplished with a signed statement from Mr. Witt detailing his conversation with Mr. Fons in which he allegedly stated that he had received the mailing and would not cooperate.

In light of the above it is not possible to grant applicant's petition under 37 CFR 1.47(a) at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED without prejudice**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

01/23/2007 SBASHEIR 00000001 500687 11631407
01 FC:1463 70.00 DA 130.00 OP

04 FC:1206 -130.00 OP

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15 FEB 2007

Jeffrey S. Melcher
Manelli Denison & Selter, PLLC
2000 M Street, N.W. 7th Floor
Washington, D.C. 20036-3307

In re Application of	:	
MORTENSEN, et al.	:	
U.S. Application No.: 11/631,407	:	DECISION ON RENEWED
PCT No.: PCT/IB05/01723	:	
Int. Filing Date: 10 June 2005	:	PETITION UNDER
Priority Date: 02 July 2004	:	
Attorney Docket No.: 16003-30409	:	37 CFR 1.47(a)
For: METHOD AND COOLER FOR COOLING HOT PARTICULATE MATTER	:	

This decision is in response to the applicant's "Renewed Petition Under 37 C.F.R. §1.47 (a) For Co-Inventor to File The Present Application on Behalf of Himself And on Behalf of Non-Signing Inventor" filed 01 February 2007 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of co-inventor Mogens Juhl Fons.

BACKGROUND

On 23 January 2007, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration.

On 01 February 2007, applicant filed the present renewed petition.

DISCUSSION

As detailed in the decision mailed 23 January 2007, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items (1), (3) and (4) above.

With the filing of the present renewed petition and supporting documentation, applicant has satisfied all of the concerns raised in the decision of 23 January 2007 and it is proper to grant applicant's renewed petition at this time. Specifically, applicant has provided proof that the non-signing inventor signed for the parcel containing a complete set of application papers and to date has not returned an executed oath or declaration. As such, it is proper to grant applicant's

renewed petition at this time.

CONCLUSION

For the reasons discussed above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 10 June 2005 under 35 U.S.C. 363, and will be given a date of **03 January 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

11 MAY 2009

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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON MA 02210

In re Application of	:	
KONTETZKI	:	
U.S. Application No.: 11/631,427	:	
PCT No.: PCT/EP2006/001776	:	DECISION ON PETITION
Int. Filing Date: 27 February 2006	:	
Priority Date: 04 May 2005	:	UNDER 37 CFR 1.182
Attorney's Docket No.: 108058-0010	:	
For: DEVICE CARRIER FOR ACTUATING AN ELECTRIC COUPLING AND A CONTROL ELEMENT	:	

This decision is in response to applicant's "Petition Under 37 C.F.R. 1.182" filed 17 February 2009 in the United States Patent and Trademark Office (USPTO) to correct the error in the Transmittal Letter (Form PTO-1390) filed 03 January 2007. Applicant has provided payment of the $400.00 petition fee.

BACKGROUND

On 04 February 2009, applicant was mailed a communication indicating a discrepancy between the international application number listed on the Form PTO-1390 and the other filed documents including the copy of the international application furnished by applicant on 03 January 2007. Applicant was afforded two months to file a petition under 37 CFR 1.182 to correct the error and associated the present application under 35 U.S.C. 371 with the correct international application number.

On 17 February 2009, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The identifying information provided on the transmittal letter filed by applicant on 03 January 2007, i.e., the title, applicant-inventor information and priority date all correspond to that of PCT/EP2006/001776. For these reasons, as well as the explanation provided in the present petition, it has been concluded that the national stage papers filed 03 January 2007 sufficiently identified international application PCT/EP2006/001776. Pursuant to petitioner's request, the national stage papers assigned U.S. application number 11/631,427 will be treated as a U.S. national stage submission for PCT/EP2006/001776.

CONCLUSION

For the reasons above, applicant's "Petition Under 37 CFR 1.182" is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of U.S. application number 11/631,427 as the U.S. national stage application of PCT/EP2006/001776; specifically, the preparation and mailing of a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating that the present application is the U.S. National stage entry for international application PCT/EP2006/001776 with a date of **15 October 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

Derek A. Putonen
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DEC 18 2009

CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

In re application of Arthur Kontetzki Application No. 11/631,427 Filed: July 30, 2009 For: DEVICE CARRIER FOR ACTUATING AN ELECTRIC COUPLING AND A CONTROL ELEMENT	:	**DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102**

This is a decision on the petition filed on February 11, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The delay in treating this petition is regretted.

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support

under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

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), also sets forth the eligibility requirement:

Part VIII. More Information:

Eligibility: Any non-reissue utility or design application filed under 35 U.S.C. 111(a) on or after the effective date of this program. The following types of filings are **not** eligible for this revised accelerated examination program: Plant applications, reissue applications, **applications entering the national stage from an international application after compliance with 37 U.S.C. 371**, reexamination proceedings, RCEs under 37 CFR 1.114 (unless the application was previously granted special status under the program), and petitions to make special based on applicant's health or age or under the PPH pilot program.

REVIEW OF FACTS

The petition fails to comply with condition II.1, above.

The petition was not filed with the application. The application was filed on January 3, 2007; whereas the petition was filed on February 11, 2009. Furthermore, the instant application is an application entering the national stage from an international application after compliance with 37 U.S.C. 371 (i.e., "371 application"). As set forth in the Federal Register, a 371 application is not eligible for the accelerated examination program. Accordingly, the petition is properly **DENIED**.

The application will therefore be taken up by the examiner for action in its regular turn. Further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045.

/Teri P. Luu/
Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

TL/tl: 12/17/09

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06 NOV 2008

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PURDUE LAW OFFICES
2735 N. Holland-Sylvania Road
Suite B-2
Toledo, OH 43615-1844

In re Application of :
KROONEN *et al* :
U.S. Application No.: 11/631,435 :
PCT No.: PCT/EP2005/007123 :
Int. Filing Date: 01 July 2005 : **DECISION ON**
Priority Date: 02 July 2004 : **PETITION UNDER**
Docket No.: 047.0077 : **37 CFR 1.137(b)**
For: DEVICE FOR HOLDING AND :
SEPARATING CHIPPINGS AND :
COOLING LIQUID ACCUMULATING
ON MACHINE TOOLS

Applicants' petition to revive under 37 CFR 1.137(b) filed on 10 September 2008 is hereby **GRANTED** as follows:

The petition fee for a small entity has been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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BASF Performance Products LLC
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

Mail Date: 04/20/2010

Applicant	: Gareth Ian Naylor	: DECISION ON REQUEST FOR
Patent Number	: 7615258	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/631,447	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/03/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **295** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

2 3 SEP 2008

COMMISSIONER FOR PATENTS
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JOANN VILLAMIZAR
CIBA CORPORATION/PATENT DEPARTMENT
540 WHITE PLAINS ROAD
P.O. BOX 2005
TARRYTOWN, NY 10591

In re Application of END et al	:	
U.S. Application No.: 11/631,448	:	
PCT Application No.: PCT/EP2005/053060	:	
Int. Filing Date: 29 June 2005	:	DECISION
Priority Date Claimed: 08 July 2004	:	
Attorney Docket No.: CO/2-23057/A/PCT	:	
For: PREPARATION OF ALPHA-HYDROXY AND ALPHA-AMINO KETONES	:	

This is in response to applicant's "Supplemental Response to Notification of Missing Parts" filed 10 June 2008, which is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 29 June 2005, applicant filed international application PCT/EP2005/053060, which claimed priority of an earlier European Patent Office application filed 08 July 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 19 January 2006. The thirty-month period for paying the basic national fee in the United States expired on 08 January 2007.

On 03 January 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 20 November 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 07 December 2007, applicant filed an executed declaration.

On 12 May 2008, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with regard to the inventive entity.

On 10 June 2008, applicant filed the present petition under 37 CFR 1.497(d).

DISCUSSION

The present petition states that Nicole End should be added as an inventor. A review of the most recent bibliographic data for international application number PCT/EP2005/053060 reveals that Nicole End is listed as an inventor. Therefore, the Notification of Defective Response was sent in error.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is DISMISSED AS MOOT.

The Notification of Defective Response (Form PCT/DO/EO/916) mailed 12 May 2008 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 29 June 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 07 December 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06/17/10

TO SPE OF : ART UNIT 1793

SUBJECT : Request for Certificate of Correction for Appl. No.: 11631451 Patent No.: 7700394

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

~~A793~~

SPE **Art Unit**

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25 FEB 2009

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FOLEY & LARDNER LLP
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MADISON WI 53701-1497

In re Application of :
YUAN, et al. :
Application No.: 11/631,497 :
PCT No.: PCT/IB05/01429 :
Int. Filing Date: 25 May 2005 : DECISION ON PETITION
Priority Date: 14 July 2004 :
Attorney Docket No.: 088245-0213 : UNDER 37 CFR 1.137(a)
For: FREQUENCY QUALITY CRITERIA FOR :
HANDOVER IN TD-CDMA CELLULAR :
COMMUNICATION :

This decision is in response to applicant's "Petition For Revival of Application For Patent Abandoned Under 37 C.F.R. § 1.137(a)" filed 10 February 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 16 January 2009, applicant was mailed a communication and notification of abandonment.

On 10 February 2009, applicant filed a petition under 37 CFR 1.137(a).

DISCUSSION

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay must be filed promptly after applicant becomes aware of the abandonment, and such petition must be accompanied by: (1) A proper response, unless already filed; (2) The petition fee as set forth in §1.17(l); (3) A showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) A terminal disclaimer (if necessary). Applicant has satisfied item (1) and (2) above; item (4) is not applicable.

Regarding item (3), the circumstances identified by applicant do not satisfy the exacting standard applied when determining whether the cause of abandonment was unavoidable. In order for a petition under 37 CFR 1.137(a) to be granted, applicant at a minimum must provide:

(A) the error was the cause of the delay at issue;

(B) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and

(C) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

See, Manual of Patent Examining Procedure (MPEP) § 711.03(c). As also stated in the MPEP:

[a] petition under 37 CFR 1.137(a) must establish that the delay was unavoidable, and not just that it was unintentional. Thus, many petitions originally filed under 37 CFR 1.137(a) end up being granted under 37 CFR 1.137(b) when the applicant realizes that sufficient evidence concerning the delay is too difficult to obtain or the cause of the delay simply does not amount to "unavoidable delay" within the meaning of 37 CFR 1.137(a).

Applicant's filing is silent as to the business routine in place for the receiving and docketing of papers from the USPTO for both firms. In addition, the petition does not detail the training and experience of the personnel involved.

Because applicant has failed to satisfy all the requirements for a grantable petition under 37 CFR 1.137(a), this application remains abandoned with respect to the United States.

Applicant is advised that the removal of the abandonment for the present application may be more easily achieved through a petition under 37 CFR 1.181 to withdraw the holding of abandonment for failure to receive an office action. No petition fee is required. The Manual of Patent Examining Procedure (MPEP) at 711.03(c) and the Official Gazette, at 1156 OG 53, provides the grounds that an Office action was not received:

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.

As an additional alternative, should the above elements be too difficult to satisfy for the response period in question, applicant is advised to consider filing a petition to revive under 37 CFR 1.137(b) for unintentional, rather than unavoidable, delay.

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law ($1620.00), (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional." and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required). A copy of the appropriate petition form is enclosed for applicant's convenience.

CONCLUSION

The petition to revive under 37 CFR 1.137(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(a)" or one of the additional petitions suggested above.

The application remains **ABANDONED** as to the United States of America.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

Attch: Form PTO/SB/64/PCT

UNITED STATES PATENT AND TRADEMARK OFFICE

06 MAR 2009

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

In re Application of :
YUAN, et al. :
Application No.: 11/631,497 :
PCT No.: PCT/IB05/01429 :
Int. Filing Date: 25 May 2005 : DECISION ON PETITION
Priority Date: 14 July 2004 :
Attorney Docket No.: 088245-0213 : UNDER 37 CFR 1.137(b)
For: FREQUENCY QUALITY CRITERIA FOR :
HANDOVER IN TD-CDMA CELLULAR :
COMMUNICATION :

This decision is in response to applicant's "Petition For Revival of Application For Patent Abandoned Under 37 C.F.R. § 1.137(b)" filed 27 February 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 25 February 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.137(a).

On 27 February 2009, applicant filed a petition under 37 CFR 1.137(b).

DISCUSSION

The petition to revive under 37 CFR 1.137(b) filed 27 February 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of this petition was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided an executed declaration of the inventors. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

It is noted that there is a discrepancy in the name of the third inventor between the published international application and the declaration. The published international application identifies the inventor as Jianfeng KANG whereas the declaration lists the inventor as Jiangeng

KANG. This appears to be an error rather than a change in the inventor's name as the inventor executed the declaration as Jianfeng KANG. Section 201.03 of the Manual of Patent Examining Procedure (MPEP) states that, "Where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. Reference to the notification will be made on the previously filed oath or declaration."

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.137(b) is **GRANTED**.

Applicant is hereby afforded **TWO (2) MONTHS** to provide a statement to the Office as to the above-noted discrepancy with inventor KANG.

Please direct future correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
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UNITED STATES DEPARTMENT OF COMMERCE
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KREMBLAS, FOSTER, PHILLIPS & POLLICK
7632 SLATE RIDGE BOULEVARD
REYNOLDSBURG, OH 43068

Mail Date: 04/20/2010

Applicant	: Dennis Raymond Prout	: DECISION ON REQUEST FOR
Patent Number	: 7631469	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/631,498	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **206** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

AUG 18 2009

OFFICE OF PETITIONS

Applicant: Oota et al.
Appl. No.: 11/631,515
International Filing Date: June 30, 2005
Title: SNOW-MELTING/ANTIFREEZING AGENTS
Attorney Docket: 301396US0PCT
Pub. No.: US 2008/0302997 A1
Pub. Date: December 11, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 10, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains the material error of not including a preliminary amendment.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to failure to include the preliminary amendment in the publication is not an Office error. See 37 CFR 1.215(a). Applicant's attention is further directed to MPEP 1130(B), which clearly states "failure to include an amendment is not an Office error . . . [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."

Applicant did not file a substitute specification including the amendment. Applicant did not file a copy of the application in compliance with the Office electronic filing systems requirements.

[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 reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on February 10, 2009, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

A "request for republication of an application previously published" filed under 37 CFR 1.221(a) "must include a copy of the application compliance with the Office's electronic filing system [EFS] requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." Applicant's petition does not comply with the EFS requirements. The republication will not take place and the publication fee set forth in § 1.18(d) has not been charged. The processing fee will be retained.

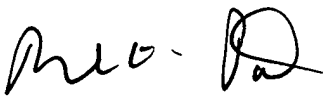
Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

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 Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.



Mark O. Polutta
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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JEFFREY PEARCE
34825 SULTAN-STARTUP RD.
SULTAN, WA 98294

MAILED

JUL 0 8 2010

OFFICE OF PETITIONS

In re Application of :
Jan Olav Berge, et al. :
Application No. 11/631,533 : DECISION ON PETITION
Filed: November 2, 2007 :
Attorney Docket No. TANDBERGS9 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 6, 2010, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 9, 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 May 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 an amendment with drawings, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

The Power of Attorney filed with the petition on May 6, 2010 is not accepted. In order for an assignee to take action in a case before the Office, compliance with 37 CFR 3.73(b) must be satisfied. More specifically, 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office. The statement under 37 CFR 3.73(b) does not contain a proper reel and frame number. A blank 37 CFR 3.73(b) accompanies this decision.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1793 for appropriate action by the Examiner in the normal course of business on the reply received May 6, 2010.

April M. Wise
Petitions Examiner
Office of Petitions

cc: MICHAEL S. HUPPERT
1030 15TH STREET NW
SUITE 400 EAST
WASHINGTON, DC 20005

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05 JAN 2009

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HOFFMAN WASSON & GITLER, P.C
CRYSTAL CENTER 2, SUITE 522
2461 SOUTH CLARK STREET
ARLINGTON VA 22202-3843

In re Application of	:	
SCHULZ-HARDER	:	
Application No.: 11/631,639	:	DECISION
PCT No.: PCT/DE05/00572	:	
Int. Filing Date: 23 April 2005	:	
Priority Date: 08 July 2004	:	
Attorney's Docket No.: A-10328	:	
For: METHOD FOR THE PRODUCTION	:	
OF A METAL-CERAMIC SUBSTRATE	:	

This decision is in response to applicant's petition under 37 CFR 1.182 filed 05 November 2008.

BACKGROUND

On 05 January 2007, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission included, *inter alia*, a Transmittal Letter. The Transmittal Letter identifies two different international application numbers: PCT/DE05/00572 and PCT/DE05/00752.

On 24 October 2008, a Notification was mailed indicating that a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f), to correct the above-stated error regarding the international application number on the Transmittal Letter was required.

On 05 November 2008, applicant submitted the instant petition under 37 CFR 1.182. The petition fee has been paid.

DISCUSSION

A review of the application file including counsel's statements in the instant submission reveals that the present application should in fact be the national stage application of international application **PCT/DE2005/000752**.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including processing the application as the national stage of international application **PCT/DE2005/000752** and preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

Mail Date: 06/16/2010

Applicant	: Massimo Pinori	: DECISION ON REQUEST FOR
Patent Number	: 7635788	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/631,645	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/02/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **178** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 10 2010

Harness, Dickey & Pierce P.L.C.
P.O. Box 8910
Reston, VA 20195

In re Application of :
Stellnert et al. :
Application No. 11/631,649 :
Filed: October 23, 2007 :
For: CONTROLLABLE VACUUM SOURCE :

DECISION ON PETITION
TO RESET TIME PERIOD

This is in reply to the Petition to Reset a Period for Reply Due to Non-Receipt of Office Action, received in the Patent and Trademark Office on April 21, 2010

The petition is **GRANTED**.

A review of the file record shows that a Restriction Requirement was mailed on November 17, 2009 to Customer Number 20693. Applicants allege that the Office action was never received because it was mailed to an incorrect correspondence address.

A further review of the file shows that the Declaration and Power of Attorney filed October 23, 2007 included a request to direct all correspondence to Customer Number 30593. It appears that the first and third digits of the customer number were incorrectly entered. Therefore, the Office communication of November 19, 2009 was improperly sent to an incorrect address of record.

Accordingly, the application will be forwarded to the Supervisory Legal Instruments Examiner to update the correspondence address and then to remail the Office communication of October 23, 2007 to the new address.

Questions regarding this communication should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045.

Katherine Matecki

Katherine Matecki, Director
Technology Center 3600
(571) 272-5250

25 JAN 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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HERSHKOVITZ & ASSOCIATES
2845 DUKE STREET
ALEXANDRIA VA 22314

In re Application of SZILVASSY et al.
Application No.: 11/631,653
PCT No.: PCT/HU05/00059
Int. Filing: 03 June 2005
Priority Date: 07 June 2004
Attorney Docket No.: PO1310
For: METHOD FOR PROCESSING PLASTIC WASTE TO OBTAIN MATRIX MATERIAL; THE MATRIX MATERIAL AND THE COMPOSITE MATERIAL

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 05 January 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the"entire delay in filing the required reply from the due date for the required reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $150 has now been provided. The required petition fee of $750 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. The $65 surcharge for filing the declaration after the thirty month period will be charged to applicant's deposit account per his authorization.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **5 January 2007**.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
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01/25/2007 SBASHEIR 00000003 502929 11631653
Sale Ref: 00000003 DA#: 502929 11631653
01 FC:2617 65.00 DA

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Mail Date: 04/21/2010

Applicant	: Yong-Chul Park	: DECISION ON REQUEST FOR
Patent Number	: 7637986	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/631,658	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/05/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **385** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

17 JUN 2008

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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE CT 06468

In re Application of:	:	
POLVILAMPI, Janne	:	
U.S. Application No.: 11/631,664	:	DECISION ON PETITION
PCT Application No.: PCT/FI2005/000317	:	(37 CFR 1.182)
International Filing Date: 05 July 2005	:	
Priority Date: 06 July 2004	:	
Attorney's Docket No.: 540-019.003	:	
For: FORKLIFT MAST	:	

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182" filed 09 June 2008. Applicant specifically authorized a charge to Deposit Account No. 23-0442 for a $130 petition fee; however, the required petition fee is $400. Based on the previously filed authorization to charge Deposit Account 23-0442 for deficiencies in required fees, the Deposit Account will be charged the additional $270 required to complete the petition fee.

BACKGROUND

On 05 July 2005, applicant filed international application PCT/FI2005/000317. The international application claimed a priority date of 06 July 2004, and it designated the United States. On 12 January 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 06 January 2007.

On 05 January 2007, applicants filed papers to initiate a U.S. national stage application. This submission included, among other materials, a Transmittal Letter (Form PTO-1390) and a copy of an International Search Report (PCT/ISA/210) and Written Opinion Of The International Searching Authority (PCT/ISA/237).

The materials filed by applicant, including the Transmittal Letter, identified the international application for which national stage entry was requested as PCT/FI2005/000315. However, the International Search Report and the Written Opinion Of The International Searching Authority included with the submission identified the international application number as PCT/FI2005/000317.

On 09 June 2007, applicant filed the present petition to correct the inconsistency in the international application number referred to in the national stage papers filed 05 January 2007 so that such materials can be treated as the U.S. national stage of PCT/FI2005/000317.

DISCUSSION

As noted above, the Transmittal Letter filed 05 January 2007 incorrectly identified the international application to which the submission was directed as PCT/FI2005/00315. Based on this error, the submission was established in the USPTO as the U.S. national stage of the listed application, that is, PCT/FI2005/000315. Correction of this error is required before the materials filed 05 January 2007 can be treated as having been directed to international application PCT/FI2005/000317, as necessary to avoid abandonment of such international application with respect to the United States.

In the present petition, applicant confirms that the correct international application number is PCT/FI2005/000317 and that the listing of international application number PCT/FI2005/000315 in the materials filed 05 January 2007 was incorrect. The petition also notes that the correct international application number was listed on copies of the International Search Report and the Written Opinion Of The International Searching Authority included in the 05 January 2007 submission. Applicants have authorized a charge for the required petition fee.

The present submission satisfies the requirements for a grantable petition to permit the materials filed 05 January 2007, including the payment of the basic national fee, to be treated as having been directed to international application PCT/FI2005/000317. Based on this correction, such materials, including the basic national fee, are treated as having been filed on 05 January 2007, prior to the expiration of thirty months from the application's priority date.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to have the national stage application materials filed 05 January 2007 treated as the U.S. national stage of international application PCT/FI2005/000317 is **GRANTED**.

Deposit Account No. 23-0442 will be charged the required $400 petition fee.

The present application, U.S. application number 11/631,664, will be treated as the national stage of PCT/FI2005/000317.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an

oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

2 9 SEP 2008

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

DINSMORE & SHOHL, LLP
ONE DAYTON CENTRE
ONE SOUTH MAIN STREET, SUITE 1300
DAYTON, OH 45402

In re Application of :
ILLIESCU *et al* :
Application No.: 11/631,667 :
PCT No.: PCT/SC2005/000220 : SUPPLEMENTAL
Int. Filing Date: 05 July 2005 : DECISION
Priority Date: 06 July 2004 :
Atty. Docket No.: AGE 0002 POA :
For: BIOCHIP FOR SORTING AND :
LYSING BIOLOGICAL SAMPLES :

This decision is supplemental to the notification mailed 01 August 2008.

The notification indicated that "If [the discrepancy in inventor Tay's name] is a change in the inventor's name, then applicants must submit a petition under 37 CFR 1.182 requesting a change in the inventor's name as outlined in Section 605.04(c) of the Manual of Patent Examining Procedure." However, the notification failed to further indicate that, if no name change was desired, a proper response could also include a new declaration of the inventors setting forth inventor Tay's name as in the international publication.

The period for response set forth in the 01 August 2008 notification is hereby reset. A proper response, as outlined above or in the 01 August 2008 notification, must be filed within TWO (2) MONTHS from the mail date of this supplemental decision.

Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Mail Stop PCT, PO Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

Richard R. Cole
PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

24 FEB 2009

COMMISSIONER FOR PATENTS
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DINSMORE & SHOHL, LLP
ONE DAYTON CENTRE
ONE SOUTH MAIN STREET, SUITE 1300
DAYTON, OH 45402

In re Application of :
ILLIESCU *et al* :
Application No.: 11/631,667 :
PCT No.: PCT/SC2005/000220 :
Int. Filing Date: 05 July 2005 : DECISION
Priority Date: 06 July 2004 :
Atty. Docket No.: AGE 0002 POA :
For: BIOCHIP FOR SORTING AND :
LYSING BIOLOGICAL SAMPLES :

This decision is in response to the "PETITION PURSUANT TO 37 CFR 1.182" filed in the U.S. Patent and Trademark Office (USPTO) on 01 December 2008. The petition is **GRANTED** as discussed below.

On 01 August 2008, this Office mailed a Notification which indicated that the declaration of the inventors could not be accepted due to a discrepancy in the name of one of the inventors from that listed on the international application.

On 01 December 2008, applicants filed the present petition, accompanied by the requisite petition fee, which requested that the application file be updated to reflect the full name of inventor Tay. The petition indicates that the discrepancy was due to the simple omission of inventor Tay's middle name from the international application, and that the omission was made without any deceptive intent.

In view of the petition and explanation the declaration may now properly be accepted, and the application now satisfies the requirements for entry into the national stage under 35 U.S.C. 371.

The application has an international filing date of 05 July 2005, under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (2), and (4) date of **05 January 2007**.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/631,670	03/12/2007	Anne-Laurence PIQUET	06164	6178

7590 07/03/2008

DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA, VA 22314

EXAMINER	
ART UNIT	PAPER NUMBER
1793	
MAIL DATE	DELIVERY MODE
07/03/2008	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

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

CONTINENTAL TEVES, INC.
ONE CONTINENTAL DRIVE
AUBURN HILLLS MI 48326-1581

MAILED

MAY 03 2010

OFFICE OF PETITIONS

In re Application of
Heike Ilias, et al.
Application No. 11/631,684
Filed: January 5, 2007
Attorney Docket No. AG024

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 9, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure s to timely pay the issue and publication fees on or before September 11, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed June 11, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned at midnight September 11, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510.00, the publication fee of $300.00; (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

A review of the record discloses that the payments of the issue fee and publication fee were paid on September 15, 2009. Therefore, the issue fee and publication fee submitted with the petition will be credited to petitioner's deposit account 50-2570.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3213.

This application is being referred to Publishing Division for processing into a patent.

Cheryl Gibson-Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request:	04/30/10	2 Serial/Patent #	11/631,684

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
	Petition			$
X	Issue		11/09/09	$ 1,510.00
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
X	Other Publication Fee		11/09/09	$ 300.00

7 TOTAL AMOUNT OF REFUND: $ 1,810.00

8 TO BE REFUNDED BY:

	Treasury Check
X	Credit Deposit A/C #:

9 5 0 -- 2 5 7 0

10 REASON:

X	Overpayment
	Duplicate Payment
	No Fee Due (Explanation):

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Cheryl Gibson-Baylor TITLE: Paralegal

SIGNATURE: _____ PHONE: 571-272-3213

OFFICE: Office of Pettions

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: _____ DATE: 5/3/10

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

Doc Code: PET.OP

Document Description: Petition for Review by the Office of Petitions

PTO/SB/64 (07-09)
Approved for use through 07/31/2012. 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) AG024

First named inventor: Heike Ilias

Application No.: 11/631,684 Art Unit: 3616

Filed: 01/05/2007 Examiner: Brown, Drew J.

Title: METHOD FOR LOAD-DEPENDENT AIR QUALITY CONTROL IN A PNUEMATIC SPRING SYSTEM

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 any 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)). Application claims small entity status. See 37 CFR 1.27.

☑ Other than small entity-fee $ $1,620.00 (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 $ 1,810.00

Adjustment date: 05/03/2010 LDIEP1
11/10/2009 SSANDAR1 00000020 502570 11631684
01 FC:1501 1510.00 CR

☐ has been paid previously on _____.

☑ is enclosed herewith.

Adjustment Date: 05/03/2010 LDIEP1
11/10/2009 INTERSW 00000779 502570 11631684
02 FC:1504 300.00 CR

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.

Gerlinde Nattler
Signature

11-09-09
Date

GERLINDE M. NATTLER
Type or Printed name

51,272
Registration Number, If applicable

One Continental Drive
Address

248 393-8721
Telephone Number

Auburn Hills, MI 48326
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.

11-09-09
Date

Wanda C Bland
Signature

WANDA C BLAND
Typed or printed name of person signing certificate

UNITED STATES PATENT AND TRADEMARK OFFICE

0 6 OCT 2008

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

25944
OLIFF & BERRIDGE, PLLC
P.O. Box 19928
Alexandria, VA 22320

In re Application of :
HARTMANN, Thierry :
U.S. Application No.: 11/631,685 :
PCT No.: PCT/IB2005/001940 :
Int. Filing Date: 08 July 2005 : **DECISION**
Priority Date: 09 July 2004 :
Attorney Docket No.: 130890 :
For: ALARM DEVICE FOR PREVENTING :
COT DEATH :

This is a decision on the papers filed on 05 February 2007 asserting small entity status and requesting a refund of one-half the application fee.

BACKGROUND

On 05 January 2007, applicants filed papers for entry into the national stage of PCT/IB2005/001940 which included the large entity fees of $900.00 for a national stage application.

On 05 February 2007, applicants filed several papers including a document titled "Small Entity Assertion and Request for Refund."

DISCUSSION

In the papers filed 05 February 2007, applicants requested small entity status and a refund of one-half the $900.00 fees paid. 37 CFR 1.28 (a) states, in part that:

> A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee.

Applicants submitted the change in status to a small entity on 05 February 2007 which is within the three-month time period required as the transmittal letter was filed 05

11/631,685

January 2007.

CONCLUSION

Applicants' request for a refund pursuant to 37 CFR 1.28(a) is **GRANTED**.

Applicants have been refunded $450.00.

The above-captioned application will be forwarded to the DO/EO/US for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

07 OCT 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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23632
SHELL OIL COMPANY
P.O. Box 2463
Houston, TX 77252-2463

In re Application of
GRIFFITHS *et al*
U.S. Application No.: 11/631,735
PCT No.: PCT/EP2005/053162
Int. Filing Date: 04 July 2005
Priority Date: 05 July 2004
Attorney Docket No.: TS6469US
For: MONITORING FLUID PRESSURE IN A WELL AND RETRIEVABLE PRESSURE SENSOR ASSEMBLY FOR USE IN THE METHOD

DECISION

This decision is in response to the petition to revive under 37 CFR 1.137(b) and petition under 37 CFR 1.182 filed 13 August 2009.

Petition to Revive Under 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 13 August 2009 is hereby **GRANTED** as follows:

A petition under 37 CFR 1.182 to correct the PCT number on the original transmittal letter (PTO-1390) was filed simultaneously with the subject petition to revive. This is considered an appropriate reply. The petition to revive fee of $1,620.00 has been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

All requirements under 37 CFR 1.137(b) have been satisfied.

Petition Under 37 CFR 1.182

In response to the Communication mailed 16 October 2008, applicants state that the correct international application number is PCT/EP2005/053162, not PCT/EP2004/053162. Applicants filed a petition under 37 CFR 1.182 to correct this error. The $400.00 petition fee has been charged to Deposit Account No. 19-1800 as authorized.

A review of the above-captioned national stage application shows that applicants identified the PCT number on the transmittal letter (PTO-1390) as PCT/EP2004/053162 Nonetheless, all other indications on the transmittal letter including the names of the

inventors, the title, and the international filing date correspond to PCT/EP2005/053162. In addition, the declaration, preliminary amendment, and IDS record the international application as PCT/EP2005/053162. WIPO records also show that the title of the subject application corresponds to PCT/EP2005/053162.

As such, it is clear that the subject application was intended to be filed as the national stage of PCT/EP2005/053162 but for a typographical error on the transmittal letter. This is sufficient for a grantable petition.

CONCLUSION

For the reasons listed above, the petition under 37 CFR 1.182 is **GRANTED**.

Office records have been updated to indicate that the subject application is the national stage of PCT/EP2005/053162.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

30 DEC 2008

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BERLINER & ASSOCIATES
555 WEST FIFTH STREET
31ST FLOOR
LOS ANGELES, CA 90013

In re Application of LI et al	:	
U.S. Application No.: 11/631,738	:	
PCT Application No.: PCT/US2005/024377	:	DECISION
Int. Filing Date: 07 July 2005	:	
Priority Date Claimed: 07 July 2004	:	
Attorney Docket No.: 1279-424	:	
For: AN INTELLIGENT NANOMEDICINE INTEGRATING DIAGNOSIS AND THERAPY	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 18 August 2008.

BACKGROUND

On 07 July 2005, applicant filed international application PCT/US2005/024377, which claimed priority of an earlier United States application filed 07 July 2004. The thirty-month period for paying the basic national fee in the United States expired on 07 January 2007.

On 05 January 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 13 November 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497, and a sequence listing in compliance with 37 CFR 1.821-1.825 must be filed.

On 03 December 2007, applicant filed an executed declaration and sequence listing.

On 14 May 2008, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the sequence listing filed 03 December 2007 was defective.

On 03 June 2008, applicant filed a replacement sequence listing.

On 08 August 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the sequence listing filed 03 June 2008 was defective.

On 18 August 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 07 July 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 03 December 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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.
11/631,739	01/05/2007	Ken Asami	CSP-128-A	7569

7590 08/26/2009

CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI, MI 48375

EXAMINER	
LE, THANH C	
ART UNIT	**PAPER NUMBER**
2618	
NOTIFICATION DATE	**DELIVERY MODE**
08/26/2009	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Johann Bayer	: DECISION ON REQUEST FOR
Patent Number	: 7571868	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/631,749	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/14/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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EDWARD W CALLAN
NO. 705 PMB 452
3830 VALLEY CENTRE DRIVE
SAN DIEGO, CA 92130

Mail Date: 04/20/2010

Applicant	: Paul Philip Brown	: DECISION ON REQUEST FOR
Patent Number	: 7588712	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/631,756	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/05/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **246** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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TYCO HEALTHCARE - EDWARD S. JARMOLOWICZ
15 HAMPSHIRE STREET
MANSFIELD MA 02048

0 2 MAR 2007

In re Application of	:	DECISION ON
Watanabe et al	:	
Application No.: 11/631,831	:	
PCT No.: PCT/EP2005/004659	:	
Int. Filing Date: 29 April 2005	:	PETITION UNDER
Priority Date: 30 April 2004	:	
Attorney's Docket No.: H-KN-00178 (US) TYCK0178	:	
For: GASTROSTOMY TUVE EXTENSION	:	
DEVICE	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF INTERNATIONAL APPLICATION," which is being treated as a petition under 37 C.F.R. 1.137(b)," filed on 05 January 2007.

BACKGROUND

On 29 April 2005, this international application was filed, claiming an earliest priority date of 30 April 2004.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 30 October 2006. This international application became abandoned with respect to the United States at midnight on 30 October 2006 for failure to pay the required basic national fee.

On 05 January 2007, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

0 2 APR 2007

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Kurt F. James
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102

In re Application of	:	DECISION ON
NAGATA, Katsuki et al.	:	
Application No. 11/631,835	:	
PCT No.: PCT/EP2005/004464	:	
Int. Filing Date: 26 April 2005	:	PETITION UNDER
Priority Date: 30 April 2004	:	
Attorney's Docket No.: H-KN-00177(US)/TYCK0177	:	
For: GASTROSTOMY TUBE EXTENSION DEVICE	:	37 CFR §1.137(b)

This petition decision is in response to Applicant's "PETITION FOR REVIVAL OF INTERNATIONAL PATENT APPLICATION UNDER 37 CFR 1.137(B)," filed on 05 January 2007. The large entity fee for the Petition in the amount of $1500 was paid by deposit account charge on 05 January 2007.

BACKGROUND

On 26 April 2005, the above-identified international application was filed with a claimed foreign priority date of 30 April 2004. Under 37 CFR §1.495(b), Applicant must submit the items identified in 37 CFR §1.495(b) no later than 30 months from the date of foreign priority to avoid abandonment. In the instant application, the thirty-month date would be 30 October 2006. The instant application became abandoned as to the United States on 31 October 2006 for failure to pay the basic national fee.

On 05 January 2007, a "Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Submission Under 35 USC 371" was received in the United States Patent and Trademark Office (USPTO) including the required fees. The 05 January 2007 Letter was accompanied by a "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" with the large entity petition fee of $1500 as provided for in 37 CFR §1.17(m).

DISCUSSION

Under 37 CFR §1.137(b), a grantable petition for revival of an unintentionally abandoned application 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); (3) a statement under 37 CFR §1.137(b)(3) that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR §1.137(b) was unintentional; and (4) any terminal disclaimer that may be required under 37 CFR §1.137(d).

The Petitioner has submitted the basic national filing fee (large entity) of $300 by deposit account charge on 05 January 2007, has submitted petition fee (large entity) of $1500 by deposit account charge on 05 January 2007, and has stated 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. No terminal disclaimer is required.

DECISION

For the reasons set forth above, the petition under 37 CFR §1.137(b) is hereby **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) to continue processing of the application.

Bernarr E. Gregory
Office of PCT Legal Administration

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

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OFFICE OF PETITIONS

In re Application of :
Kai Desinger, et. al. :
Application No. 11/631,836 : DECISION ON PETITIONS
Filed: October 9, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 3682 : AND 37 CFR 1.55(c)

This is a decision on the petitions under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c), filed October 6, 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, and under 35 U.S.C. § 119(a)-(d) for the benefit of priority to a prior-filed foreign application, as set forth in the amendment filed with present petition.

As to the benefit claim under 37 CFR 1.78(a)(3):

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 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 present petition does not satisfy requirement (1) above. Therefore, the petition under 37 CFR 1.78(a)(3) is **DISMISSED**.

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or

continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of 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.

Additionally, the amendment submitted with the petition references a prior-filed application by the patent number rather than by the application number. *Note* 35 U.S.C. § 120, which provides, in relevant part:

> No application shall be entitled to the benefit of an earlier filed application under this section unless an amendment containing the specific reference to the earlier filed **application** is submitted at such time during the pendency of the application as required by the Director. [Emphasis supplied.]

Note also CFR 1.78(a)(2)(i), which states, in relevant part:

> Except for a continued prosecution application filed under § 1.53(d), 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. [Emphasis supplied.]

Accordingly, a proper amendment complying with the provisions of 37 CFR 1.121 and satisfying the requirements of 37 CFR 1.78(a)(2)(i) must be submitted, along with a renewed petition under 37 CFR 1.78(a)(3).

As to the benefit claim under 37 CFR 1.55(c):

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, **and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);**
(3) the surcharge as set forth in 37 CFR 1.17(t);
(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Director may

require additional information where there is a question whether the delay was unintentional); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The petition under 37 CFR 1.55(c) is **DISMISSED**.

The petition fails to comply with item (2) above. In this regard, a review of the file record fails to disclose that the priority information was included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identity the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. *Note* MPEP 201.14.

In view of the above, compliance with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6) must be satisfied if applicant desires to claim priority to the foreign application noted in the petition. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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20227
MCDERMOTT WILL & EMERY LLP
600 13TH Street, N.W.
Washington, DC 20005-3096

In re Application of :
GROMOV *et al* :
Application No.: 11/631,845 :
PCT No.: PCT/RU2005/000222 :
Int. Filing Date: 25 April 2005 : **DECISION**
Priority Date: 08 July 2004 :
Attorney Docket No.: 056269-0023 :
For: THERMOELECTRIC MODULE :

This decision is in response to the "Response to Notification of Defective Response" filed 01 October 2008. This response is treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 20 December 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the current translation was defective as sheet 1 of the drawings had extra numbers and sheet 2 of the drawings had an added drawing. Thus, a new translation and processing fee were required. Applicants were given two months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 20 February 2008, applicants filed a response which included the $130.00 processing fee and an English translation that included three sheets of drawings.

On 02 September 2008, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed stating that the translation was still defective as sheet 1 of the drawings had extra numbers and sheet 2 of the drawings had an added drawing. Applicants were given one month to respond.

On 01 October 2008, applicants filed the subject response.

DISCUSSION

In the subject response, applicants' claim that sheet 1 and 2 are correct. Applicants assert that the international publication has a printing defect that shifts the drawing to the right and removes one of the original drawings from the page. Applicants submitted a copy of the foreign priority document as proof of the defect in

the international publication. Thus, applicants' claim that the English translation is not defective.

Applicants' argument has been considered and dismissed. The fact that the drawings in the priority claim are different from the drawings listed on the international publication is not relevant. All that matters is what was submitted in the international publication. The International Bureau provided a copy of the drawings submitted in PCT/RU2005/000222 which shows that the drawings were published as submitted.

If applicants believe that the international publication is wrong, they must contact the International Bureau and request republication. However, applicants must provide an English translation of the international application as filed. *See* 35 U.S.C. 371(c)(2). As such, new drawings are still required curing the defects noted.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

Applicants must provide an acceptable English translation within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Failure to provide an acceptable English translation within the time period given will result in the abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302