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OFFICE OF PETITIONS

YAHOO! INC. C/O GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK, NY 10166

In re Application of	:	
Lie Yang et al	:	
Application No. 11/639,852	:	DECISION ON PETITION
Filed: December 15, 2006	:	TO WITHDRAW
Attorney Docket No. 085804-709800	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 23, 2010.

The request is **APPROVED**.

A review of the file record indicates that Robert A. Saltzberg: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Robert A. Saltzberg has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Robert A. Saltzberg
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105-2482

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HOWSON AND HOWSON
SUITE 210
501 OFFICE CENTER DRIVE
FT WASHINGTON PA 19034

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OFFICE OF PETITIONS

In re Application of	:	
KAMBIN, Parviz et al.	:	
Application No. 11/639,869	:	DECISION ON PETITION
Filed: December 15, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **KAM2USA**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 04, 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 Parviz Kambin attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3731 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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Treyz Law Group
870 Market Street, Suite 984
SAN FRANCISCO, CA 94102

Mail Date: 04/21/2010

Applicant	: Shu-Li Wang	: DECISION ON REQUEST FOR
Patent Number	: 7623077	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/639,882	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **244** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

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OFFICE OF PETITIONS

In re Application of
Peter Schulmeister
Application No. 11/639,897
Filed: December 15, 2006
Attorney Docket No. 4100-434

ON PETITION

This is a decision on the petition under 37 CFR 1.10 (c) filed March 6, 2007 to correct the filing date to December 15, 2006, rather than the presently accorded filing date of December 18, 2006.

Petitioner alleges that the application was deposited in Express Mail service on December 15, 2006. In support, petitioner has supplied a copy of Express Mail Label No. EV979923919US (the same Express Mail number found on the transmittal sheet accompanying the original application papers located in the official file). The "date-in" on the Express Mail Label is a little illegible which could have caused some confusion as to the date-in but information from the USPS track and confirm database confirms that the mail package bearing Express Mail Label No. EV979923919US was accepted December 15, 2006 at 8:10pm. The evidence therefore is sufficient for correcting the filing date.

In view of the above, the petition is GRANTED and since no fee is due, none will be charged to petitioner's deposit account.

The application is being forwarded to the Office of Initial Patent Examination for correction of the **filing date to December 15, 2006** and for issuance of a corrected filing receipt.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Treyz Law Group
870 Market Street, Suite 984
SAN FRANCISCO, CA 94102

Mail Date: 04/21/2010

Applicant	: Shu-Li Wang	: DECISION ON REQUEST FOR
Patent Number	: 7623078	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/639,905	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **516** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Treyz Law Group
870 Market Street, Suite 984
SAN FRANCISCO, CA 94102

Mail Date: 05/18/2010

Applicant : Shu-Li Wang
Patent Number : 7623078
Issue Date : 11/24/2009
Application No : 11/639,905
Filed : 12/15/2006

: 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 **551** 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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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/639,910	12/15/2006	3711	565	28609-030-0602	19	3

CONFIRMATION NO. 5767

UPDATED FILING RECEIPT

OC000000023875787

36614
MANATT PHELPS AND PHILLIPS
ROBERT D. BECKER
1001 PAGE MILL ROAD, BUILDING 2
PALO ALTO, CA 94304

Date Mailed: 05/15/2007

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

Applicant(s)

Thomast C. Van Buskirk, Arvada, CO;

Power of Attorney: The patent practitioners associated with Customer Number **36614**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/22/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/639,910

Projected Publication Date: 06/19/2008

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Systems and methods for integrating sports data and processes of sports activities and organizations on a computer network

Preliminary Class

473

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR

1.53(d). This license is not retroactive.

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

NOT GRANTED

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

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P.O. BOX 55874
BOSTON MA 02205

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OFFICE OF PETITIONS

In re Application of
Masahiko Mizoguchi et al. :
Application No. 11/639,920 :
Filed: December 14, 2006 :
Attorney Docket No: 66981 (53006) :

ON PETITION

This is a decision on the petition to withdraw the holding of abandonment, filed May 23, 2008, under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned on December 28, 2007, for failure to file a timely response to the non-Final Office Action mailed September 27, 2007, which set a three (3) month statutory period for reply. Accordingly, the Notice of Abandonment was mailed April 28, 2008.

The file record discloses that the Office Action was mailed to the address of record which is the same address used on all correspondences from the USPTO. Petitioner has provided a copy of the docket report, wherein receipt of the Office Action mailed September 27, 2007 would have been filed, had it been received. To show that the Notice mailed September 27, 2007 was not received, petitioner also explains that after searching the docket it was concluded that no correspondence was received for this matter from the USPTO,

In that the statement from the petitioner and the exhibit from the docket record for the instant matter show no entry indicating receipt of the non-Final Office Action mailed September 27, 2007, it is apparent that it was not received. The evidence submitted corroborates non-receipt of the Office Action.

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

This matter is being referred to Technology Center 2833 for a re-mailing of the non-Final Office Action and for a restarting of the period for response.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

Mail Date: 04/20/2010

Applicant	: Masahiko Mizoguchi	: DECISION ON REQUEST FOR
Patent Number	: 7607936	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/639,920	: 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 **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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CHARLES J. PRESCOTT, P.A.
SUITE 115
2033 WOOD STREET
SARASOTA FL 34237

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OFFICE OF PETITIONS

In re Application of	:	
Wilhelmina E.E. Johnston, et al.	:	
Application No. 11/639,930	:	DECISION ON PETITION
Filed: December 15, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. P-1998	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 15, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a declaration statement signed by applicant Ian Fraser Johnston. 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 3753 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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Stuart Lee Adelman, Ph.D.
Suite 513
12200 Academy Road NE
Albuquerque NM 87111

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DEC 15 2009

OFFICE OF PETITIONS

In re Application of
Stuart Lee Adelman
Application No. 11/639,939
Filed: December 15, 2006
Attorney Docket No.

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 28, 2009, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by a registered attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

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

The application is being forwarded to the Technology Center Art Unit 2618 for action on the merits commensurate with this decision.

JoAnne Burke
Petitions Examiner
Office of Petitions

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AHSAN & ASSOCIATES
P.O. BOX 251
HOPEWELL JUNCTION NY 12533

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OFFICE OF PETITIONS

In re Application of	:	
Niranjan Patel	:	
Application No. 11/639,981	:	DECISION ON PETITION
Filed: 12/15/2006	:	
Atty Docket No. 2006-312	:	

Receipt is acknowledged of the petition filed on 20 March, 2007, which is treated as a petition to withdraw the Notice of Omitted Items in a Nonprovisional Application mailed on 22 January, 2007.

The petition is **DISMISSED**.

The application was filed on 15 December, 2006. However, on 22 January, 2007, the Office of Initial Patent Examination mailed a "Notice" stating that the application had been accorded a filing date of 15 December, 2006, and advising applicant that Figure 5 described in the specification appeared to have been omitted.

In response, the present petition was filed on 20 March, 2007. Petitioner explains that Figure 5 was not missing on 15 December, 2006. Instead, states petitioner, Figure 5 is present on the same sheet of drawings which contain Figure 6, but is inadvertently not labeled. Petitioners have supplied with the petition a replacement drawing sheet containing a label for Figure 5.

It is obvious from the petition that no drawing was actually missing on 15 December, 2006. Rather, the drawing of Figure 5 was simply unlabeled as a result of the applicant's filing error. However, the "Notice" mailed on 22 January, 2007, was correct in stating that Figure 5 described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

As the present petition was not necessitated by any error on the part of the Office, the petition fee will not be refunded.

The application will be processed using only the application papers filed on 15 December, 2006. The copy of the drawing sheet supplied with the present petition on 20 March, 2007, will not be used for processing and examination, but will be retained in the application file.

A preliminary amendment adding labels to the unlabeled figure should be filed before first action on the merits.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 15 December, 2006, using only the application papers filed on that date.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

Mail Date: 05/04/2010

Applicant	: Yoram Novick	: DECISION ON REQUEST FOR
Patent Number	: 7620669	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/640,008	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **226** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of	:	
Michael Kessell	:	
Application No.: 11/640,009	:	ON PETITION
Filed: December 15, 2006	:	
Attorney Docket No: 60182USCON(54744)	:	

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

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

On January 22, 2007, a "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office allowing a two-month period for reply. Extensions of time were available pursuant to 37 CFR 1.136(a). The Notice required an oath or declaration, replacement drawings, and $65.00 surcharge. A proper response was not received within the allowable period, and the application became abandoned on March 23, 2007. A Notice of Abandonment was mailed on October 11, 2007.

The declaration and replacement drawings filed November 20, 2007, are noted.

This application is being forwarded to the Office of Patent Application Processing for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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PVF -- SUN MICROSYSTEMS INC.
C/O PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 04/21/2010

Applicant	: David Dice	: DECISION ON REQUEST FOR
Patent Number	: 7669040	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/640,018	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **592** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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PVF -- ORACLE AMERICA, INC.
C/O PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 05/18/2010

Applicant : David Dice
Patent Number : 7669040
Issue Date : 02/23/2010
Application No : 11/640,018
Filed : 12/15/2006

: 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 **639** 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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CHARLES E. PARRISH
RF SAW, INC.
SUITE 400
900 ALPHA DR.
RICHARDSON, TX 75081

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AUG 13 2008

In re Application of
Clinton S. Hartmann, et al.
Application No. 11/640,027
Filed: December 18, 2006
Attorney Docket No. RFSC-0018D1

ON PETITION

This is a decision in response to the petition, filed April 21, 2008, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED** because it is unsigned. The petition is signed by one of two joint inventors.

37 CFR 1.33(b) states that:

Amendments and other papers filed in the application must be signed by:

(1) An attorney or agent of record appointed in compliance with §1.34(b);

(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of §1.34(a);

(3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;

(4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest; or

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

Further, a grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is

a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

Therefore, as the petition containing the statement of unintentional delay is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Clinton S. Hartmann) was ever given a power of attorney to act on behalf of the other inventor, the petition is considered to not contain a proper statement of unintentional delay.

This decision is made without prejudice to reconsideration. However, any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)" and include a ratification of the unsigned petition.

Further correspondence with respect to this matter should be 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

The centralized facsimile number is **(571) 273-8300**.

It is also noted that the person signing the petition requests a change of correspondence address to the address given in the petition. Since there is no indication that the person signing the petition was ever given a power of attorney to prosecute the application, the correspondence address will not be changed at this time. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed solely to the address of record.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: CLINTON S. HATMANN
1778 N. PLANO ROAD, SUITE 310
RICHARDSON, TX 75081

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CHARLES E. PARRISH
RF SAW, INC.
SUITE 400
900 ALPHA DR.
RICHARDSON, TX 75081

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MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of
Clinton S. Hartman, et al.
Application No. 11/640,027
Filed: December 18, 2006
Attorney Docket No. RFSC-0018D1

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b) to revive the above-identified application, filed January 23, 2009, and supplemented on March 13, 2009.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before February 29, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed November 30, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 1, 2008. A Notice of Abandonment was subsequently mailed on March 25, 2008. A petition under the provisions of 37 CFR 1.137(b) was filed on April 21, 2008; however, the petition was dismissed in a decision mailed August 13, 2008. On January 23, 2009 and March 13, 2009, the present petitions were filed.

The petitions satisfy the requirements of 37 CFR 1.137(b) in that petitioners have supplied (1) the reply in the form of the $720 issue fee and $300 publication fee; (2) the petition fee of $770; and (3) an adequate statement of unintentional delay.

Receipt is acknowledged of the requests to change the correspondence address filed January 23, 2009 and March 13, 2009; however, the requests cannot be granted as neither is signed in accordance with 37 CFR 1.33(b). The request is signed by only one of the two joint inventors. To be effective a properly signed change of address must be filed. While a courtesy copy of this decision is being mailed to the address on the petition, all future correspondence will be mailed to the address of record.

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

cc: CLINTON S. HARTMANN
1778 N. PLANO ROAD, SUITE 310
RICHARDSON, TX 75081

UNITED STATES PATENT AND TRADEMARK OFFICE

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LAW OFFICE OF ADRIENNE B. NAUMANN
8210 NORTH TRIPP
SKOKIE, IL 60076

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SEP 04 2009

OFFICE OF PETITIONS

In re Application of :
Art SCHULLER :
Application No. 11/640,028 :
Filed: December 15, 2006 :
Attorney Docket No. :

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 25, 2009.

The request is **APPROVED**.

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

The request was signed by Adrienne Naumann, the sole attorney of record. Adrienne Naumann 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 sole named signing inventor at the address below until otherwise properly notified by the applicant.

The application became abandoned for failure to respond to the non-final office action mailed February 5, 2009.

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

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

cc: **ART SCHULLER**
517 POND GATE DRIVE
BARRINGTON HILLS, IL 60010

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

Mail Date: 04/21/2010

Applicant	: Joshua M. Koran	: DECISION ON REQUEST FOR
Patent Number	: 7581193	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/640,033	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **282** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 05/12/2010

Applicant	: Yousef Jarrah	: DECISION ON REQUEST FOR
Patent Number	: 7658592	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/640,057	: 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 **438** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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YAHOO! INC. C/O GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK, NY 10166

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MAY 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Jeffery Bennett	:	
Application No. 11/640,069	:	DECISION ON PETITION
Filed: December 15, 2006	:	TO WITHDRAW
Attorney Docket No. 085804-709600	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 23, 2010.

The request is **APPROVED**.

A review of the file record indicates that Robert A. Saltzberg: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Robert A. Saltzberg has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Robert A. Saltzberg
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105-2482

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

Mail Date: 04/21/2010

Applicant	: Christian Foerg	: DECISION ON REQUEST FOR
Patent Number	: 7615275	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/640,070	: 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 **222** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 2 9 2008

Leon R. Yankwich
Yankwich & Associates, P.C.
201 Broadway
Cambridge MA 02139

In re Application of:	:
Barras et al.	:
Serial No.: 11/640,085	: PETITION DECISION
Filed: December 15, 2006	:
Attorney Docket No.: ABL-010.1 US-3	

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. 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 July 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 application which has not been examined. Furthermore, no information has been received at this time despite a 'Transmittal Letter" scanned into eDAN indicating such information was transmitted. In any event, assuming such information were present, the information provided would not have been reviewed, and proceedings in the application would 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. Therefore, any information provided could not 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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THOMPSON HINE, LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 8801
DAYTON, OH 45401-8801

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MAY 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Harvey Leach	:	
Application No. 11/640,095	:	DECISION ON PETITION
Filed: December 15, 2006	:	
Attorney Docket No. 074998-00100	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 10, 2009, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 16, 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 April 17, 2008.

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

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. 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 2837 for appropriate action by the Examiner in the normal course of business on the reply received April 10, 2009.

April M. Wise
Petitions Examiner
Office of Petitions

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

Mail Date: 04/21/2010

Applicant	: Adrienne A. Hershey	: DECISION ON REQUEST FOR
Patent Number	: 7625207	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/640,114	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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STMicroelectronics Inc.
c/o WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
BOSTON MA 02210-2206

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APR 26 2007

OFFICE OF PETITIONS

In re Application of :
Liardet, et al. :
Application No. 11/640,119 : ON PETITION
Filed: December 15, 2006 :
Attorney Docket No. S1022.71047US01 :
For: PROTECTION OF TA
CALCULATIONS PERFOMED BY AN
INTEGRATED CIRCUIT

This decision is in response to the petition under 37 CFR 1.47(a), filed March 16, 2007 (certificate of mailing date March 14, 2007).

The petition is **GRANTED.**

Petitioners have shown that the non-signing inventor, Alain Pomet, has expressly refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the exhibits to the petition establish that Mr. Pomet was successfully mailed a copy of the application and declaration and that Mr. Pomet subsequently refused to sign the declaration during a telephone conversation with Katherine K. Hodges and Jonathan D. Geis on February 7, 2007. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

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

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

After the mailing of this decision, the application will be forwarded to Technology Center Art Unit 2193 for examination in due course.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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ALAIN POMET
LES BANETTES
13790 ROUSSET
FRANCE

COPY MAILED

APR 26 2007

OFFICE OF PETITIONS

In re Application of :
Liardet, et al. :
Application No. 11/640,119 :
Filed: December 15, 2006 :
Attorney Docket No. S1022.71047US01 :
For: PROTECTION OF TA CALCULATIONS PERFOMED BY AN INTEGRATED CIRCUIT

LETTER

Dear Mr. Pomet:

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.

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).

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: STMicroelectronics Inc.
c/o WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
BOSTON MA 02210-2206

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THORPE NORTH & WESTERN, LLP.
P.O. BOX 1219
SANDY, UT 84091-1219

MAILED

OCT 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Chien-Min SUNG	:	
Application No. 11/640,136	:	ON PETITION
Filed: December 14, 2006	:	
Attorney Docket No. 00802-22708.CIP	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 16, 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 above-identified application became abandoned on December 17, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of $1620; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of July 13, 2009 is accepted as having been unintentionally delayed.

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

Telephone inquiries concerning this decision should be directed to Ella Colbert at (571) 272-6051 or in her absence, the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 1611 for appropriate action on the concurrently filed amendment.

for David Bucci
Petitions Examiner
Office of Petitions

cc: CHIEN-MIN SUNG
4, LANE 32, CHUNG-CHEN ROAD
TANSUI, TAIPEI COUNTY 251
TAIWAN, ROC

UNITED STATES PATENT AND TRADEMARK OFFICE

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Morrison & Foester, LLP
425 Market Street
San Francisco, CA 94105-2482

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AUG 09 2007

OFFICE OF PETITIONS

In re Application of	:	
Fangyi Rao et al.	:	
Application No. 11/640,137	:	DECISION ON PETITION
Filed: December 14, 2006	:	TO WITHDRAW
Attorney Docket No. 188122006900	:	FROM RECORD

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

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

A review of the file record indicates that the power of attorney to Peter J. Yim and all attorneys/agents of record has been revoked by the assignee of the patent application on May 16, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

There are no outstanding Office actions at this time.

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

Frances Hicks
Petitions Examiner
Office of Petitions

cc: San Francisco Office of Novak, Druce,
& Quigg LLP
1000 Louisiana Street
Fifty-Third Floor
Houston, TX 77002

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1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

MAILED

MAY 06 2010

OFFICE OF PETITIONS

In re Application of	:	
Masakazu Sueda	:	
Application No. 11/640,186	:	ON PETITION
Filed: December 18, 2006	:	
Attorney Docket No. D-1607 B	:	

This is a decision on the petition under 37 CFR 1.181 (no fee), filed October 16, 2009, to withdraw the holding of abandonment in the above-identified application.

The above application was held abandoned for failure to timely take action in response to the Board of Patent Appeals and Interferences Decision mailed July 29, 2009. A Notice of Abandonment was mailed on October 14, 2009.

Petitioner argues, "claims 2-5 (Claim 2 is independent form and claims 3-5 directly or indirectly depend from claim 2) were allowed in the Advisory Action of October 22, 2007. Therefore, please withdraw the Notice of Abandonment of October 14, 2009 and issue a Notice of Allowance for claims 2-5.

A review of the record shows that the Decision by the Board of Patent Appeals and Interferences mailed July 29, 2009 affirmed the Examiner's rejection to claims 1 and 7. However, the Office acknowledges that claims 2-4 were allowed, claim 6 was canceled and claims 5, 8 and 9 were withdrawn based on the Advisory Action mailed October 22, 2007[1]. For the reasons set forth above, the present petition is **granted**.

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

The application file is being referred to Technology Center Art Unit 3676 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

[1] *See* MPEP 1214.06 (2)(II).

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

Mail Date: 08/02/2010

Applicant	: Alex Horng	: DECISION ON REQUEST FOR
Patent Number	: 7649291	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/640,188	: 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 **28** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

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SEP 17 2007

OFFICE OF PETITIONS

In re Application of	:	
KIM, Hyoung-Chul et al.	:	
Application No. 11/640,206	:	DECISION ON PETITION
Filed: December 18, 2006	:	TO WITHDRAW
Attorney Docket No. **300608005800**	:	FROM RECORD
	:	

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

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

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on September 05, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **DARBY & DARBY P.C.**
P.O. BOX 770
Church Street Station
New York, NY 10008-0770

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BUCHANAN INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	:	
Knapp, et al.	:	
Application No. 11/640,228	:	ON PETITION
Filed: December 18, 2006	:	
Attorney Docket No. 1004501-000873	:	

This is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed December 3, 2007.

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

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Missing Parts mailed January 19, 2007. This Office action set an extendable period for reply of two months. No reply having been received, the application became abandoned on March 20, 2007. A Notice of Abandonment was mailed on October 3, 2007.

A review of the file reveals that the January 19, 2007 Notice, due to an Office error in not including the address on the mailing envelope, was returned as undeliverable. Accordingly, it is obvious that the Office action was not received by Applicant.

In view thereof, the holding of abandonment is **WITHDRAWN**.

The matter is being forwarded to the Office of Patent Application Processing (OPAP), for re-mailing of a Notice to File Missing Parts, setting a new period for reply.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/640,232	12/18/2006	Goji Nakagawa	1095.1404	7109

7590 02/11/2008
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
PAK, SUNG H

ART UNIT	PAPER NUMBER
2874	

MAIL DATE	DELIVERY MODE
02/11/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 02/11/2008 KKING1
12/19/2006 LWONDIM1 00000042 11640232
02 FC:1111 -500.00 OP

Repln. Ref: 02/11/2008 KKING1 0013435600
DA#:193935 Name/Number:11640232
FC: 9204 $500.00 CR

FORM PET651G (Rev. 08/07)

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

Mail Date: 04/28/2010

Applicant	: Johannes Lampert	: DECISION ON REQUEST FOR
Patent Number	: 7645313	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/640,236	: 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 **411** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/21/2010

Applicant	: Yoshiaki Muto	: DECISION ON REQUEST FOR
Patent Number	: 7600089	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/640,240	: 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 **295** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/640,241	12/18/2006	Ji-hyun In	Q98177	6152

23373 7590 09/16/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
CHERY, MARDOCHEE

ART UNIT	PAPER NUMBER
2186	

MAIL DATE	DELIVERY MODE
09/16/2009	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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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of: IN et al.
Application No. 11/640241
Attorney Docket No. Q98177
Filed: December 18, 2006
For: **METHOD AND APPARATUS FOR REDUCING PAGE REPLACEMENT TIME IN SYSTEM USING DEMAND PAGING TECHNIQUE**

DECISION ON PETITION

This is a decision on the petition filed on August 18, 2009, requesting that the Non-Final action mailed March 24, 2009 be reissued with a reset date, since the office action was not received by applicant. The petition is being treated as a petition under 37 C.F.R. § 1.181.

The petition is hereby **GRANTED**.

Applicable Prosecution History

December 18, 2006	Application filed.
March 24, 2009	Non-Final action mailed.
August 18, 2009	Instant Petition filed.

RELIEF REQUESTED

The instant petition requests that the Non-Final action mailed March 24, 2009 be reissued with a reset date, since the action was not received by Applicant, and Applicant discovered the Action in PAIR only on August 18, 2009.

REGULATIONS AND PRACTICE

MPEP 710.06 [R-6] Situations When Reply Period Is Reset or Restarted, states in part:
The Office will grant a petition to restart the previously set period for reply to an Office

action to run from the date of receipt of the Office action at the correspondence address when the following criteria are met:
(A) the petition is filed within 2 weeks of the date of receipt of the Office action at the correspondence address;
(B) a substantial portion of the set reply period had elapsed on the date of receipt (e.g., at least 1 month of a 2- or 3-month reply period had elapsed); and
(C) the petition includes (1) evidence showing the date of receipt of the Office action at the correspondence address (e.g., a copy of the Office action having the date of receipt of the Office action at the correspondence address stamped thereon, a copy of the envelope (which contained the Office action) having the date of receipt of the Office action at the correspondence address stamped thereon, etc.), and (2) a statement setting forth the date of receipt of the Office action at the correspondence address and explaining how the evidence being presented establishes the date of receipt of the Office action at the correspondence address.

MPEP 711.03(c) states in part:
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.<

DECISION

Petitioner asserts that the Office communication mailed on March 24, 2009 was not received by applicants, and states the following:
1. Applicant's representative discovered on August 18, 2009 that the Action mailed on March 24, 2009 was entered in this application via the PAIR system.
2. Upon discovery of the above office action, Applicant's representative checked their records.
3. Applicant's representative enclose a copy of the individual docket record for the instant application, in support of their position.

The petition filed on August 18, 2009, is in compliance with the above-stated requirements.

Petitioner provided a statement that the Office communication in question was discovered on August 18, 2009, on the PAIR system, and was subsequently downloaded by Petitioner on August 18, 2009. All of the set reply period had elapsed on the date of receipt.

For reasons set forth above, the petition is **GRANTED**.

Accordingly, the shortened statutory period that was originally set forth in the Office communication originally mailed on March 24, 2009 is hereby reset to run FROM THE RECEIPT DATE OF August 18, 2009.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-4210.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, WG 2180
Technology Center 2100,
Computer Architecture, Software, and Information Security

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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.
11/640,254	12/18/2006	Jong-hwa Won	Q96830	6149

7590 07/17/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
MOORE, DAVID K

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
07/17/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
07/17/2009 NFARMER 0000168054

CHECK Refund Total: $900.00

Adjustment date: 07/17/2009 NFARMER
12/19/2006 MWOLDGE1 00000063 11640254
02 FC:1111 -500.00 OP
04 FC:1201 -400.00 OP

FORM PET651G (Rev. 08/07)

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Alexandria, VA 22313-1450
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FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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DEC 2 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Manabu KII et al.	:	
Application No. 11/640,264	:	DECISION ON PETITION
Filed: December 18, 2006	:	
Attorney Docket No. 09812.0864	:	

This is a decision on the petition, filed September 21, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed December 30, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on August 17, 2009.

Petitioner asserts that the Office action dated December 30, 2008 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's 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).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

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

This application is being referred to the Technology Center technical support staff of Art Unit 2179 for re-mailing the Office action of December 30, 2008. The period for reply will run from the mailing date of the Office action.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/21/2010

Applicant	: Atsushi Miyagaki	: DECISION ON REQUEST FOR
Patent Number	: 7581061	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/640,324	: 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 **472** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Brett M. Diamond	: DECISION ON REQUEST FOR
Patent Number	: 7640805	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/640,345	: 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 **273** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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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APR 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Russell C. IDE et al.	:	
Application No. 11/640,382	:	DECISION ON PETITION
Filed: December 18, 2006	:	TO WITHDRAW
Attorney Docket No. CER0022-US-CON	:	FROM RECORD
	:	

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

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Customer No. 36,183 does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **CERADYNE, INC.**
3169 RED HILL AVENUE
COSTA MESA, CA 92626

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/640,418	12/18/2006	Das Rupasree Ragini	P58156	6286

8439 7590 05/18/2010
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
KOSACK, JOSEPH R

ART UNIT	PAPER NUMBER
1626	

NOTIFICATION DATE	DELIVERY MODE
05/18/2010	ELECTRONIC

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

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

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

rebushnell@aol.com
mail@rebushnell.com
info@rebushnell.com

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MAY 1 8 2010

ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON DC 20006-1004

In re Application of: RAGINI et al.
Serial No.: 11/640418

Filed: December 18, 2006
Docket: P58156

Title: **ORGANOMETALLIC COMPLEX AND ORGANIC ELECTROLUMINESCENCE DEVICE USING THE SAME**

DECISION ON PETITION
UNDER 37 C.F.R. § 1.144

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on February 4, 2010.

BACKGROUND

This application was filed under 35 U.S.C. 111(a) and as such is subject to US restriction practice.

DISCUSSION

Petitioner's statement of facts is accurate and incorporated by reference herein. Petitioner argues:

1. the subject matter in the claims 1-19 has unity of invention
2. the examiner improperly refused to extend the examination of the Markush-type claim
3. the examiner confused the restriction requirement with provisional election of species

Petitioner's basis for argument is M.P.E.P. §803.02 which sets forth USPTO examination policy for Markush-type claims.

The Examiner has interpreted the following passage from MPEP §803.02 to permit restriction within a claim when the "Markush" group lacks unity of invention.

> Since the decisions in In re Weber, 580 F.2d 455, 198 USPQ 328 (CCPA 1978) and In re Haas, 580 F.2d 461, 198 USPQ 334 (CCPA 1978), it is improper for the Office to refuse to examine that which applicants regard as their invention, unless the subject matter in a claim lacks unity of invention. In re Harnisch, 631 F.2d 716, 206 USPQ 300 (CCPA 1980); and Ex parte Hozumi, 3 USPQ2d 1059 (Bd. Pat. App. & Int. 1984). Broadly, unity of invention exists where compounds included within a Markush group (1) share a common utility, and (2) share a substantial structural feature essential to that utility.

However, there is nothing in MPEP §803.02 nor other sections of MPEP §800 nor in 37 C.F.R. nor in 35 U.S.C. which instructs the examiner as to how to proceed when a "Markush" group lacks unity of invention. In the absence of such guidance the Examiner lacks authority to refuse to examinee that which applicant regards as his invention despite the encouragement provided by *In re Harnisch* (631 F.2d 716).

In the absence of guidance in any of the statutes, rules and M.P.E.P. the examiner is constrained to follow the directions set forth for examining Markush claims in M.P.E.P. §802.03 even if the compounds lack unity of invention.

The absence of such guidance renders moot a determination of whether or not the Markush group has unity of invention because even if it were found that the Markush group lacked unity of invention there are no statutes, rules or office policy as to how to proceed.

It is clear from M.P.E.P. §803.02 that if the elected species is allowable that the examiner is to extend the search to additional species.

DECISION

The petition is **GRANTED** for the reasons set forth above.

Should there be any questions about this decision, please contact Quality Assurance Specialist Michael P. Woodward, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-8373 or by facsimile sent to the general Office facsimile number, 571-273-8300.

George C. Elliott

George C. Elliott
Director, Technology Center 1600

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OFFICE OF PETITIONS

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

In re Application of Singh, et al. Application No. 11/640,422 Filed: December 15, 2006 Atty. Dkt. No.: 20017-044001 / 2006P0067920017-044001 / 2006P00679 For: CONSISTENT SET OF INTERFACES DERIVED FROM A BUSINESS OBJECT MODEL	DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This decision is in response to the petition under 37 CFR 1.47(a) filed September 5, 2007 and supplemented September 20, 2007.

The petition is **DISMISSED**.

Petitioners are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed December 15, 2006 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed February 5, 2007. The Notice required a surcharge and an executed oath or declaration.

A petition under 37 CFR 1.47 was filed September 5, 2007. A supplemental paper was submitted September 20, 2007 wherein petitioners argue that the previously non-signing inventors are presently available and have executed a declaration.

The declaration submitted is unacceptable. The declaration fails to comply with 37 CFR 1.63(b)(3) which requires the declaration

state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to **patentability** as defined in § 1.56. (Emphasis added.)

Furthermore, the declaration contains multiple non-initialed changes. *See*, 37 CFR 1.52(c).

Any renewed petition must include an oath or declaration in compliance with 37 CFR 1.63.

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

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

By facsimile: (571) 273-8300

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

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

In re Application of	:
Singh, et al.	: DECISION NOTING JOINDER
Application No. 11/640,422	: OF INVENTOR AND PETITION
Filed: December 15, 2006	: UNDER 37 CFR 1.47(a) MOOT
Docket No.: 20017-044001 /	:
2006P00679	:

This is a decision on the renewed petition under 37 CFR 1.47(a), filed November 13, 2007.

In view of the joinder of the inventors, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered to be moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

This application is being forwarded to the Office of Patent Application Processing for further processing

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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STMicroelectronics Inc.
c/o WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
BOSTON MA 02210-2206

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MAY 0 4 2007

OFFICE OF PETITIONS

In re Application of
Pierre-Yvan Liardet, Yannick Teglia and Alain Pomet
Application No.11/640,450
Filed: December 15, 2006
Attorney Docket No. S1022.71057US01
(Patent)
Title of Invention: Protection of the Execution of a Program Executed by an Integrated Circuit

DECISION GRANTING STATUS UNDER 37 CFR 1.47(A)

This is in response to the petition under 37 CFR 1.47(a) filed March 16, 2007.

The petition is GRANTED.

Petitioner has shown that non-signing inventor Pomet has refused to join in the filing of the above-identified application after having been presented with the application papers. The petition attest a copy of the application was sent to non-signing inventor's last known address. Petitioner has provided evidence of non-signing inventor's express refusal to execute the application papers.

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

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

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

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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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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Alain Pomet
Les Bannettes
13790 Rousset, France

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MAY 04 2007

OFFICE OF PETITIONS

In re Application of
Pierre-Yvan Liardet, Yannick Teglia and Alain Pomet
Application No.11/640,450
Filed: December 15, 2006
Attorney Docket No. S1022.71057US01
(Patent)
Title of Invention: PROTECTION OF THE EXECUTION OF A PROGRAM EXECUTED BY AN INTEGRATED CIRCUIT

: LETTER

Dear Mr. Pomet:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, applicant (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

STMicroelectronics Inc.
c/o WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
BOSTON MA 02210-2206

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WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

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JUN 1 8 2007

OFFICE OF PETITIONS

In re Application of :
Hilfiker, Ladig, and Kuhnen :
Application No. 11/640,464 : DECISION REFUSING STATUS
Filed: December 15, 2006 : UNDER 37 CFR 1.47(a)
Attorney Docket No. FELD-148XX :
For: **DYNAMICALLY ADAPTABLE STAMINA SPORT TRAINING PROGRAM**

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

The petition under 37 CFR 1.47(a) is **dismissed.**

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(b).

The above-identified application was filed on December 15, 2006, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on January 18, 2007, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration and payment of the filing fee. The instant petition was filed on May 14, 2007, with a request for an extension of time within the second month.

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

(1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee,

(4) a statement of the last known address of the non-signing inventor,

The instant petition lacks item (1) as set forth above.

As to item (1), the instant petition does not provide sufficient evidence that a complete copy of the application papers was sent to the non-signing inventor. Further to this point, Section 409.03(d) of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent part, that:

> [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 paper should be 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 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.

While the instant petition states that inventor Ladig has refused to join the prosecution of the application, it is not clear whether inventor Ladig was provided with a complete copy of the application papers, and not just the declaration. In order for inventor Ladig's refusal to have merit relative to the instant petition, it must be clear that he was provided with a complete copy of the application papers or an effort was made to provide him with the same and he refused.

Further, petitioner indicates that inventor Hilfiker had several contacts with inventor Ladig and that inventor Ladig made an express refusal to inventor Hilfiker, but no statement from inventor Hilfiker accompanied the instant petition. As indicated in the MPEP section cited above, a statement should accompany the renewed petition from Mr. Hilfiker as the person to whom the alleged refusal was made, detailing the circumstances of the refusal.

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

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

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 31 2007

OFFICE OF PETITIONS

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

In re Application of
Hilfiker, Ladig, and Kuhnen
Application No.: 11/640,464
Filed: December 15, 2006
Attorney Docket No:FELD-148XX
For: DYNAMICALLY ADAPTABLE STAMINA SPORT TRAINING PROGRAM

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 27, 2007.

The renewed petition is **GRANTED**.

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

The above-cited application was filed on December 15, 2006, and was not accompanied by a proper declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on January 18, 2007, requiring a properly executed declaration and surcharge. The notice allowed an extendable period for reply of two months from its mailing date. A petition under 37 CFR 1.47(a) was first filed on May 14, 2007, and dismissed by a decision mailed June 18, 2007.

Petitioner has shown that inventor Ladighas refused to join the filing of the above-identified application after having been presented with the application papers. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

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

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

MAIL

JUL 17 2007
DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Anne Vachon Dougherty
3173 Cedar Road
Yorktown Hts NY 10598

In re Application of	:	
HIROSHI ISHIKAWA	:	DECISION ON REQUEST TO
Application No. 11/640473	:	PARTICIPATE IN PATENT
Filed: December 15, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. JP920050154US1	:	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 26, 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:

Item (3) above. Specifically,

1. Allowed JP claim 15 (depends from JP claim 12) does not sufficiently correspond to the US claim 15 (which depends from claim 14 and then from claim 1).

2. Allowed JP claim 14 does not sufficiently correspond to the US claim 17.

3. Allowed JP claim 19 does not sufficiently correspond to the US claim 18.

4. Allowed JP claims 15-18 and 20-31 do not point out the corresponding US claim(s).

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 John Peng at 571-273-7272 (RightFax) or 571-273-0308.

Telephone inquiries concerning this decision should be directed to John Peng at 571-272-7272.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

John Peng
TC 2600
Quality Assurance Specialist

DATE 8-30-07

APPLICATION NUMBER 11-640-473

DOC CODE PP4.Dec

DOC DATE 8-23-07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

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

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

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MAIL

AUG 23 2007
DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Anne Vachon Dougherty
3173 Cedar Road
Yorktown Hts NY 10598

In re Application of	:	
HIROSHI ISHIKAWA	:	DECISION ON REQUEST TO
Application No. 11/640473	:	PARTICIPATE IN PATENT
Filed: December 15, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. JP920050154US1	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed August 17, 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:

Item (3) above. Specifically, as amended on 8/17/07,

1. US claim 4 (which depends on claim 1) does not sufficiently correspond to Allowed JP claim 3.

2. US claim 8 (which depends on claim 4 and, then depends on claim 1) does not sufficiently correspond to Allowed JP claim 7 (which depends on Allowed JP claim 3).

3. US claim 10 (which depends on claim 1) does not sufficiently correspond to Allowed JP claim 8.

4. US claim 12 (which depends on claim 10 and then, depends on claim 1) does not sufficiently correspond to Allowed JP claim 10.

5. US claim 13 (which depends on claim 12, then claim 10 and then, claim 1) does not sufficiently correspond to Allowed JP claim 11 (which depends on Allowed JP claim 10).

As the result of the second Dismissal decision above, the above application will await action in its regular turn.

Telephone inquiries concerning this decision should be directed to John Peng at 571-272-7272.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

John Peng
TC 2600
Quality Assurance Specialist

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Morrison & Foerster, LLP
Suite 300
1650 Tysons Boulevard
McLean, VA 22102

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SEP 28 2007

OFFICE OF PETITIONS

In re Application of :
John J. Valavi :
Application No. 11/640,489 : DECISION ON PETITION
Filed: December 18, 2006 : TO WITHDRAW
Attorney Docket No. 070702004900 : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 2, 2007.

The request is **APPROVED**.

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

The request was signed by Laura Chung on behalf of all attorneys of record who are associated with customer No. 25227. All attorneys/agents associated with the Customer Number 25227 have been withdrawn.

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

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to sole inventor at the address noted in the Oath and Declaration. A courtesy copy of this decision is being mailed to the correspondence address noted on the request to withdraw as attorney. If this firm desires to receive future communication regarding this application, then the proper power of attorney documents must be submitted.

There are no outstanding Office actions at this time.

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

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: John J. Valavi
1615 SW 172nd Terrace
Beaverton, OR 97006

cc: Darby & Darby, P.C.
1500 K Street, N.W.
Suite 250
Washington, DC 20005-1714

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
11/640,489	12/18/2006	John J. Valavi	070702004900

CONFIRMATION NO. 5354

OC000000026058118

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

Date Mailed: 09/27/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/02/2007.

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

K. Grabenet

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

FORMER ATTORNEY/AGENT COPY

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DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK, NY 10008-0770

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OFFICE OF PETITIONS

In re Application of	:	
John J. Valavi	:	DECISION ON PETITION
Application No. 11/640,489	:	TO WITHDRAW
Filed: December 18, 2006	:	FROM RECORD
Attorney Docket No. 21058/0206700-US0	:	

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

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

A review of the file record indicates that on August 19, 2009 the power of attorney to Darby & Darby P.C. 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: Pillsbury Winthrop Shaw Pittman LLP
P.O. Box 10500
McLean VA 22102

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SEP 12 2007
OFFICE OF PETITIONS

PATENT GROUP GA30-43
GEORGIA-PACIFIC LLC
133 PEACHTREE STREET, NE
ATLANTA GA 30303

In re Application of Shoemake and Wolff Application No. 11/640,499 Filed: 12/18/2006 Atty Docket No. 005242.00252 (20112-USA) Title: UREA-FORMALDEHYDE RESIN BINDERS CONTAINING ACRYLIC BI-MODAL MOLECULAR WEIGHT SOLUTION POLYMER	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed April 4, 2007.

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

Petitioners showed that the non-signing inventor constructively refused to join in the filing of the above-identified application. Specifically, petitioners established that they mailed a copy of the application papers to the non-signing inventor's legal counsel at his asking; however, he did not respond to the request to sign the declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the present petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being referred to Technology Center Art Unit 1771 for examination in due course.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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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Norwin Wolff
209 Canoe Tree Way
Marshfield Hills, MA 02051

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SEP 12 2007
OFFICE OF PETITIONS

In re Application of :
Shoemake and Wolff :
Application No. 11/640,499 :
Filed: 12/18/2006 :
Atty Docket No. 005242.00252 (20112-USA) :
Title: UREA-FORMALDEHYDE RESIN :
BINDERS CONTAINING ACRYLIC BI-MODAL :
MOLECULAR WEIGHT SOLUTION POLYMER :

LETTER

Dear Mr. Wolff:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: PATENT GROUP GA30-43
GEORGIA-PACIFIC LLC
133 PEACHTREE STREET, NE
ATLANTA GA 30303

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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HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS MO 63105

MAILED

MAR 16 2009

OFFICE OF PETITIONS

Applicant: Duzdar
Appl. No.: 11/640,507
Filing Date: December 15, 2006
Title: MULTI-FREQUENCY ANTENNA ASSEMBLIES WITH DC SWITCHING
Attorney Docket: 9062B-000036/US
Pub. No.: US 2008/0146176 A1
Pub. Date: June 19, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 14, 2008 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in the title of the invention wherein the phrase "MULTI-FREQUENCY" is improperly printed as "MULTI-FREQENCY".

It would greatly benefit the Office if papers concerning a patent application included the application number at the top of the page to assist in matching papers to the correct application. See 37 CFR 1.5.

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 publication wherein the title of the invention misprints "MULTI-FREQUENCY" as "MULTI-FREQENCY" may be an Office error, but it is a not material Office error under 37 CFR 1.221. The error does not affect the understanding of 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).

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.

On January 22, 2007, a Filing Receipt was mailed by the Office, which improperly listed the title of the invention. To avoid this type of problem in the future, applicant's representative should make request a corrected filing receipt.

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.

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

2 4 SEP 2008

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Jacques Lepine
10 rue d'Alger
75001 Paris France

In re Application of LEPINE, Jacques U.S. Application No.: 11/640,522 Filing Date: December 18, 2006 Attorney's Docket No.: N/A For: MEALTIME EATING REGULATION DEVICE	DECISION

This decision is issued in response to applicant's "Petition to Revive - 37 CFR 1.182" filed July 22, 2008. The petition, treated herein under 37 CFR 1.182, requests that the present application be treated as a U.S. National Phase of PCT/FR2005/001118 filed under 35 U.S.C. 371.

The petition under 37 CFR 1.182 is **DISMISSED without prejudice** since applicant has not submitted the required $400 petition fee under 37 CFR 1.17(f). Small entity status is not applicable to petitions under 37 CFR 1.17(f).

It is noted that any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.495(g):

> The documents and fees submitted ... must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371, otherwise the submission will be considered as being made under 35 U.S.C. 111.

In addition, section 1893.03(a) of the MPEP states the following:

> If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

Applicant's December 18, 2006 filing included Form PTO/SB/05 Transmittal letter (for use "[o]nly for new nonprovisional application under 37 CFR 1.53(b)"). Accordingly, the original papers deposited on December 18, 2006 were correctly treated as a filing under 35 U.S.C. 111(a).

Since the application is being treated as a filing under 35 U.S.C. 111(a), applicant has not properly claimed benefit of the international application in accordance with 35 U.S.C. 120 and 37 CFR 1.78(a) and, the instant application cannot be considered as a continuing application of PCT/FR2005/001118. In order to claim benefit under 35 U.S.C. 120 to the prior-filed PCT application at this point, applicants must file a petition under 37 CFR 1.78(a)(3).

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 "Petition Under 37 CFR 1.182."

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

The present application is being referred to the Office Of Initial Patent Examination for further processing in accordance with this decision.

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

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Faegre & Benson, LLP
Patent Docketing
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901

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JAN 28 2008
OFFICE OF PETITIONS

In re Application of	:	
William J. McBride et al.	:	
Application No. 11/640,557	:	DECISION ON PETITION
Filed: December 18, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 78258-343850	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 5, 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 co-inventor David M. Goldenberg. Accordingly, the above-identified application has been accorded "special" status.

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

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

Upon completion of the pre-examination processing by the Office of Initial Patent Examining, this application will be referred to Technology Center Art Unit 1654 for action on the merits commensurate with this decision.

Kimberly Inabinet

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 05/25/2010

Applicant	: Gustavo Rodriguez Pena	: DECISION ON REQUEST FOR
Patent Number	: 7629007	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/640,570	: 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 **311** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Barnes & Thornburg LLP
600 One Summit Square
Fort Wayne IN 46802

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OFFICE OF PETITIONS

In re Application of
James R. Almeda et al.
Application No. 11/604,582
Filed: December 18, 2006
Attorney Docket No. 40116/83103

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 March 14, 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 James Almeda 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 2617 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

Copied from 11604582 on 03/17/2008

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THE FIRM OF HUESCHEN AND SAGE
SEVENTH FLOOR, KALAMAZOO BUILDING
107 WEST MICHIGAN AVENUE
KALAMAZOO MI 49007

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AUG 2 5 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Descamps-Francois et al. :
Application No. 11/640,595 :
Filed: December 18, 2006 :
Attorney Docket No. SERVIER 400 PCT DIV :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 9, 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 1626 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

FEB 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Adam WISNIEWSKI	:	
Application No. 11/640,611	:	DECISION ON PETITION
Filed: December 18, 2006	:	TO WITHDRAW
Attorney Docket No. 17243US02	:	FROM RECORD
	:	

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 30, 2008.

The request is **NOT APPROVED.**

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

The request cannot be approved because there is no indication that the acts noted above have been performed (see attached SB/83).

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: JENNIFER LACROIX
DLA PIPER US LLP
203 NORTH LASALLE STREET,
SUITE 1900
CHIGAGO, IL 60601-1293

Attachment: Withdrawal of Attorney or Agent (PTO/SB/83)

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MCANDREWS HELD & MALLOY, LTD.
500 WEST MADISON STREET, SUITE 3400
CHICAGO, IL 60661

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MAR 2 6 2009

OFFICE OF PETITIONS

In re Application of	:	
Adam WISNIEWSKI	:	
Application No. 11/640,611	:	DECISION ON PETITION
Filed: December 18, 2006	:	TO WITHDRAW
Attorney Docket No. 17243US02	:	FROM RECORD

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 27, 2009.

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

A review of the file record indicates that the power of attorney to McAndrews, Held & Malloy, LTD., has been revoked by the applicant of the patent application on March 3, 2009. 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 address indicated below until otherwise properly notified by the applicant.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JENNIFER LACROIX
DLA PIPER US LLP,
203 NORTH LASALLE STREET
SUITE 1900
CHICAGO, IL 60601-1293

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO, IL 60610

MAILED

MAR 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Case et al.	:	DECISION ON PETITION
Application No. 11/640,674	:	TO WITHDRAW
Filed: December 18, 2006	:	FROM RECORD
Attorney Docket No. 1000-300	:	

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 14, 2009.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 48003 was revoked by the assignee of the patent application on January 26, 2010. 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 properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: BUCHANAN INTELLECTUAL PROPERTY OFFICE LLC
P.O. BOX 700
PERRYSBURG OH 43552-0700

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHRISTOPHER & WEISBERG, PA
200 EAST LAS OLAS BOULEVARD
SUITE 2040
FORT LAUDERDALE, FL 33301

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JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert Toarmina	:	
Application No. 11/640,676	:	DECISION ON PETITION
Filed: December 18, 2006	:	TO WITHDRAW
Attorney Docket No. 1342-2U	:	FROM RECORD
	:	

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 23, 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. A request to withdraw will not be approved unless at least 30 (thirty) days would remain

The request cannot be approved because practitioners were not appointed by customer number. In order to withdraw by customer number practitioners must be appointed by customer number.

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

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

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

cc: ROBERT TAORMINA
3483 WEST VINE STREET
KISSIMMEE, FL 34741

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200 EAST LAS OLAS BOULEVARD
SUITE 2040
FORT LAUDERDALE, FL 33301

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OFFICE OF PETITIONS

In re Application of	:	
Robert Taormina	:	
Application No. 11/640,676	:	DECISION ON PETITION
Filed: December 18, 2006	:	TO WITHDRAW
Attorney Docket No. 1342-2U	:	FROM RECORD
	:	

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

The request is **APPROVED**.

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

The request was signed by John Christopher on behalf of all attorneys of record who are associated with this application. All attorneys/agents associated with this application have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no pending Office actions at the present time.

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

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

cc: ROBERT TAORMINA
2110 CONGRESSIONAL WAY
DEERFIELD BEACH, FL 33442

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/21/2008

TO SPE OF : ART UNIT 2600 (2629)

SUBJECT : Request for Certificate of Correction on Patent No.:7,262,760

Attn: Vijay Shankar

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

Please complete this form and forward within **7** days to: **Scanning customer Support**

Send copy also via PTO mail to:
Certificates of Correction Branch – 2900 South Tower 9A39A
Palm location **7580** - Tel. No. 308-8309

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.

***ok to enter changes to claim dependencies as req. in COCIN? eDan.**

Ernest C. White, LIE - 308-9390x122
Certificates of Correction Branch

Thank You For Your Assistance

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

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

Comments:

_____

_____

_____

_____

_____

____/RAZAVI MICHAEL //_____ **SPE Art 2629**

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P. O. BOX 270
FREDERICKSBURG, VA 22404

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JUN 18 2009

OFFICE OF PETITIONS

In re Patent No. 7,262,760 :
Issue Date: August 28, 2007 :
Application No. 11/640,677 : NOTICE
Filed: December 18, 2006 :
Patentee(s): Matthew G. Liberty :

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on April 2, 2009 and on April 24, 2009. This is also a decision on the petition under 37 CFR 1.182 filed on April 24, 2009 to expedite processing of the present petition.

The request is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34(a), the signature of Steven M. duBois appearing on the request shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

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

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**. Therefore, status as a small entity has been removed and all future fees submitted must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DIW Jun-10

THE BELLES GROUP, P.C.
1518 WALNUT STREET
SUITE 1706
PHILADEPHIA PA 19102

MAILED

JUN 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Mario E. Bran	:	
Application Number: 11/640718	:	DECISION GRANTING PETITION
Filing Date: 12/18/2006	:	
Attorney Docket Number: AKR-109-US	:	

This is a decision in reference to the "PETITION UNDER 37 C.F.R. § 1.47(b)," filed on March 17, 2010, which is treated as a petition under 37 CFR 1.183 seeking waiver of 37 CFR 1.131 in that it requires that a declaration filed thereunder be signed by all inventors.[1]

The petition is **GRANTED**.

Petitioner has shown that a copy of the declaration under 37 CFR 1.131 was sent to the non-signing inventor, but that the non-signing inventor returned the cover letter, having written thereon that he would not be signing the Rule 131 declaration.

A review of the assignment records reveals a chain of title from the inventor to the current assignee, Akrion Systems, LLC. As such, proof of proprietary interest has been shown. Further, petitioners have provided proof of irreparable harm. Lastly, a declaration under 37 CFR 1.131 signed on behalf of the inventor by W. James Whittle, CFO of assignee Akrion Systems, LLC, has been provided, along with a statement that the person signing the declaration is authorized to do so.

Accordingly, in view of the efforts recounted to obtained the signatures of sole inventor Mario E. Bran, it is agreed that

[1] Once an application has received a fully executed oath or declaration under 37 CFR 1.63 and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. See MPEP 603.

justice would be served by waiving the requirement for his signatures on the declaration filed under 37 CFR 1.131.

As the fee for a petition under 37 CFR 1.183 is $400.00, the additional $200.00 fee will be charged to counsel's deposit account as authorized in the Electronic Patent Application Fee Transmittal sheet filed with the subject petition.

The application is referred to Technology Center Art Unit 1711 for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571.272.3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BUTZEL LONG
IP DOCKETING DEPT
350 SOUTH MAIN STREET
SUITE 300
ANN ARBOR MI 48104

SEP 2 2 2008

In re Application of	:	
MAZUR, ROBERT	:	
Application No.: 11/640753	:	DECISION ON
Filing or 371(c) Date: 12/18/2006	:	PETITION
Attorney Docket Number: 120904-0003	:	

This is a decision in response to the "Petition to Withdraw Holding of Abandonment," filed August 26, 2008. The petition is properly treated under 37 CFR 1.181(a).

The petition is **DISMISSED**.

Any further petition for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowable, mailed April 21, 2008. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became effectively abandoned on August 22, 2008.

Conclusion

The evidence has been considered. Applicant has failed to demonstrate that withdrawing the holding of abandonment is appropriate. Accordingly, the application is properly held abandoned.

Alternative venue

Applicant may alternatively file a petition stating that the delay was unintentional. An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required 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 can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive

under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 308-9250 x 175.

Kay D. Pinkney
Application Assistance Unit
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
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IP DOCKETING DEPT
350 SOUTH MAIN STREET
SUITE 300
ANN ARBOR, MI 48104

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JAN 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert Mazur	:	
Application No. 11/640,753	:	DECISION ON PETITION
Filed: December 18, 2006	:	
Attorney Docket No. 120904-0003	:	

This is a decision on the petition, filed August 26, 2008 and resubmitted on November 24, 2008, 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 Notice of Allowance of April 21, 2008, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before July 21, 2008.

Petitioner states that the Part B Fee Transmittal was filed on July 15, 2008 (certificate of mailing) with the authorization to charge the $720 issue fee and the $300 publication fee. A copy of this fee transmittal was submitted on August 26, 2008.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely reply to the Notice of Allowance of April 21, 2008 is hereby withdrawn and the application restored to pending status.

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

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 12 2007

OFFICE OF PETITIONS

Lanny R. Lee
STE. 324
1358 HOOPER AVE.
Toms River NJ 08753

In re Application of	:	
Lanny R. Lee	:	
Application No. 11/640,762	:	DECISION ON PETITION
Filed: December 19, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 14, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the applicant's passport proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2878 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

Mail Date: 07/23/2010

Applicant	: Syed Akbar	: DECISION ON REQUEST FOR
Patent Number	: 7647964	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/640,813	: 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 **1** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 04/20/2010

Applicant	: Anand Prahlad	: DECISION ON REQUEST FOR
Patent Number	: 7651593	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/640,826	: 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 **257** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

MAILED

JUN 01 2010

OFFICE OF PETITIONS

In re Application of	:	
COHN, William et al.	:	
Application No. 11/640,827	:	DECISION ON PETITION
Filed: December 18, 2006	:	TO WITHDRAW
Attorney Docket No. **PMX-007.01**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 27, 2010.

The request is **NOT APPROVED.**

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

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

If an assignee has intervened in this application, then an updated Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-2783.

/Tredelle D. Jackson/

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 04/20/2010

Applicant	: Andrei Erofeev	: DECISION ON REQUEST FOR
Patent Number	: 7636743	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/640,830	: 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 **258** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/20/2010

Applicant	: Andrei Erofeev	: DECISION ON REQUEST FOR
Patent Number	: 7661028	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/640,831	: 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 **467** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Yu-Sen Hsu	: DECISION ON REQUEST FOR
Patent Number	: 7655128	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/640,886	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **466** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

MAILED

OCT 16 2009

OFFICE OF PETITIONS

In re Patent No. 7,601,344 :
Issue Date: October 13, 2009 :
Application No. 11/640,905 : ON PETITION
Filed: December 19, 2006 :
Attorney Docket No. 2006_2197 :

This is a decision on the petition filed September 18, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **Dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are not permitted. The reconsideration request should include a cover letter entitled "Renewed Petition". This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any request for issuance of an application in the name of the assignee submitted after the date of the payment of the issue fee, and any request that a patent be corrected to state the name of assignee must:

(A) state the assignment was submitted for recordation as set forth in 37 CFR §3.11 before issuance of the patent;

(B) provide a request for a certificate of correction §1.323;

(C) provide the fee set forth in 37 CFR §1.20 (a) and

(D) provide the processing fee set forth in 37 CFR §1.17(i)

---

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

Petitioner has failed to provide (B). The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

Pursuant to petitioner's request, the fee set forth in 37 CFR §1.20 ($100) will be charged to deposit account no. 23-0975

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WENDEROTH, LIND & PONACK, L.L.P.
1030 15TH STREET, N.W.
SUITE 400 EAST
WASHINGTON, DC 20005-1503

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DEC 2 8 2009

OFFICE OF PETITIONS

In re Application of :
Konrad Hubert DORFNER et al. :
Application No. 11/640,908 : DECISION ON PETITION
Filed: December 19, 2006 :
Attorney Docket No. :

This is a decision on the petition, filed July 29, 2009, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to file a timely reply to the non-final Office action mailed December 19, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on July 21, 2009.

Petitioner asserts that the Notice of Abandonment mailed July 21, 2009 be withdrawn as it was premature because a response was timely filed.

A thorough review of the instant application indicates that a response to the non-final Office action was in fact received on June 19, 2009. Accordingly, the Notice of Abandonment mailed July 21, 2009 is withdrawn as premature.

Accordingly, the application was not abandoned in fact.

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

Telephone inquiries concerning this decision should be directed to Ella Colbert at (571) 272-6051 or in her absence, the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 2612 for further processing in accordance with the above decision.

David A. Bucci
Petitions Examiner
Office of Petitions

cc: ANDREW B. FREISTEIN
1030 15TH STREET, N.W.
SUITE 400 EAST
WASHINGTON, DC 20005-1503

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/640,925	12/19/2006	Yoon-Jin Ku	P58004	8241

7590 07/20/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
AGA, SORI A

ART UNIT	PAPER NUMBER
2419	

MAIL DATE	DELIVERY MODE
07/20/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Deposit Acct: 07/21/2009 BPOWELL 0009005800
DATE:024943 Name/Number:11640925
FC: 9204 $500.00 CR

Adjustment date: 07/21/2009 BPOWELL
12/20/2006 EATHLEW1 00000032 11640925
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET, NW
WASHINGTON, DC 20006

Mail Date: 04/21/2010

Applicant	: Ulrich C. Boettiger	: DECISION ON REQUEST FOR
Patent Number	: 7652821	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/640,984	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **233** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Katsuaki Minami	: DECISION ON REQUEST FOR
Patent Number	: 7661402	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/640,992	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **62** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/640,996	12/19/2006	Bernd Kuhn	080437.58379US	7756

7590 09/10/2009
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
ESSEX, STEPHAN J

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
09/10/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref: 0030074249
09/11/2009

Credit Card Refund Total: $500.00

Acct Exp.: XXXXXXXXXXX1009

Adjustment date: 09/11/2009 NFARMER
12/20/2006 CNEGA1 00000025 11640996
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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Dickinson Wright PLLC
James E. Ledbetter, Esq.
International Square
1875 Eye Street, N.W., Suite 1200
Washington DC 20006

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SEP 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Yoshida et al.	:	
Application No. 11/641009	:	DECISION
Filing or 371(c) Date: 12/19/2006	:	ON PETITION
Patent No.: 7,499,853	:	
Issue Date: 03/03/2009	:	
Attorney Docket Number:	:	
009289-12261	:	

This is a decision on the "Petition Under 37 CFR § 1.183" filed August 31, 2009, to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction. The request is properly treated as a petition under 37 CFR 3.81(b)[1].

The Petition is **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Applicant files the instant petition and requests correction of the assignee to add omitted assignee NEC Corporation. Applicant provides that the recorded assignment Reel/Frame numbers are 022999/0540.

Applicable Law, Rules and MPEP

37 CFR 3.81(b) provides:

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

> After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17 (i) of this chapter. (Emphasis supplied).

Analysis and conclusion

A review of Office records reveal that the assignment to NEC Corporation was not recorded prior to issuance of the patent. As such, the patent correctly failed to indicate NEC Corporation as an assignee thereon. 37 CFR 3.81(b) provides for correction of the patent "to state the name of the assignee" as it appears on the recorded assignment. Here, the assignment to NEC Corporation was not recorded at the time the patent issued, and the patent issued consistent with Office records.

The petition is dismissed as inappropriate.

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Dickinson Wright PLLC
James E. Ledbetter, Esq.
International Square
1875 Eye Street, N.W., Suite 1200
Washington DC 20006

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JAN 14 2010

In re Application of	:	
Yoshida et al.	:	
Application No. 11/641009	:	DECISION
Filing or 371(c) Date: 12/19/2006	:	ON PETITION
Patent No.: 7,499,853	:	
Issue Date: 03/03/2009	:	
Attorney Docket Number: 009289-12261	:	

This is a decision on the "Renewed Petition Under 37 CFR § 3.81(b)" filed November 4, 2009, to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The Petition is **granted**.

The original petition, filed August 31, 2009, was accompanied by a certificate of correction as required by 3.81(b), and the fee. Further, Office assignment records reflect that NEC CORPORATION, is an assignee of record[1]. As the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of the certificate of correction, filed August 31, 2009, after issuance of this application into a patent.

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

[1] In the case of a division or continuation application, a prior assignment recorded against the original application is applied (effective) to the division or continuation application because the assignment recorded against the original application gives the assignee rights to the subject matter common to both applications. See, MPEP 306.

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KING & SPALDING LLP (SAIC CUSTOMER NUMBER)
ATTN: DAWN-MARIE BEY
1700 PENNSYLVANIA AVE, NW
SUITE 200
WASHINGTON DC 20006

MAIL

SEP 10 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
Jason Schutz *et al*	:	
Serial No.: 11/641,015	:	
Filed: December 19, 2006	:	DECISION ON PETITION
For: **SYSTEM AND METHOD FOR DISPLAYING SIMULATION DATA AND VISUALIZATION DATA**	:	*ACCEPTANCE OF COLOR DRAWINGS*

This is a decision on the petition under 37 CFR §1.184(a)(2), filed August 6, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings identified in Figures 3a, 4a, 5a, and 8a-d be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 1 (one) electronic copy of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is GRANTED.

Ken Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 04/20/2010

Applicant	: Eiichirou Watanabe	: DECISION ON REQUEST FOR
Patent Number	: 7570103	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/641,017	: OF WYETH
Filed	: 12/19/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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

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BINGHAM MCCUTCHEN, LLP
2020 K STREET, N.W.
INTELLECTUAL PROPERTY DEPARTMENT
WASHINGTON, DC 20006

MAILED

APR 0 3 2009

OFFICE OF PETITIONS

In re Application of	:	
John Apostolos	:	
Application No. 11/641,045	:	DECISION GRANTING PETITION
Filed: December 19, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 7052882001	:	

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 23, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2821 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

---

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

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2020 K STREET, N.W.
INTELLECTUAL PROPERTY DEPARTMENT
WASHINGTON, DC 20006

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APR 0 3 2009

OFFICE OF PETITIONS

In re Application of	:	
John Apostolos	:	
Application No. 11/641,045	:	DECISION GRANTING PETITION
Filed: December 19, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 7052882001	:	

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 23, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2821 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

---

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/641,064	12/19/2006	Masanobu Yamauchi	2635-408	7984

7590 07/30/2009
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
KOONTZ, TAMMY J

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
07/30/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 08/04/2009 BPOWELL
12/20/2006 FAYALE01 00000043 11641064
02 FC:1111 -500.00 OP
04 FC:1201 -800.00 OP

Adjustment date: 08/04/2009 BPOWELL
12/20/2006 FAYALE01 00000043 11641064
02 FC:1111 -500.00 OP
04 FC:1201 -800.00 OP

FORM PET651G (Rev. 08/07)

Refund Ref:
08/04/2009 0030072911

Credit Card Refund Total: $1300.00

Ac Exp..: XXXXXXXXXXX2021

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

Mail Date: 04/20/2010

Applicant	: Takahiro Sasaki	: DECISION ON REQUEST FOR
Patent Number	: 7609033	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/641,077	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **285** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Alexandria, VA 22313-1450
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Matvey Lvovskiy
Apt. # D5
8750 Bay Parkway
Brooklyn NY 11214

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OFFICE OF PETITIONS

In re Application of	:	
Matvey Lvovskiy et al.	:	
Application No. 11/641,092	:	DECISION ON PETITION
Filed: December 19, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

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

The petition is **GRANTED**.

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

The instant petition includes a statement from the applicant Matvey Lvovskiy 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 3749 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

Mail Date: 04/20/2010

Applicant	: Romain Roux	: DECISION ON REQUEST FOR
Patent Number	: 7658889	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/641,100	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

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JUN 21 2010

OFFICE OF PETITIONS

In re Application of
Krzyzanowski, et al.
Application No. 11/641,101
Filed: December 19, 2006
Attorney Docket No. 2100.0180000

ON PETITION

This is a decision on the petition under 37 CFR 1.47(a), filed May 10, 2010 and supplemented on May 17, 2010. The petition will be treated as a petition under CFR 1.183, requesting waiver of 37 CFR 1.63 and 1.67, which requires all of the joint inventors to execute a supplemental declaration.[1]

The petition under 37 CFR 1.183 to waive 37 CFR 1.63 and 1.67 is **DISMISSED**.

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.183 to waive 37 CFR 1.63 and 1.67" and may include an oath or declaration executed by the inventors. **Failure to respond will result in abandonment of the application.**

While this waiver petition is not a petition under 37 CFR 1.47, it is evaluated in much the same way a Rule 47 petition is. Therefore, a grantable petition requires:

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),

[1] Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal or unavailability to sign a supplemental oath or declaration is waiver of 37 CFR 1.67. See MPEP 603.

(3) a petition fee, and
(4) the last known address of the omitted inventor(s).

This petition does not meet requirement (2) above.

With respect to (2) above, the supplemental declaration filed with the instant petition is not acceptable because it is not executed. As a preliminary matter, the petition addresses only Mr. Justin Flores' lack of execution of the declaration. A review of the application file reveals that petitioner has not filed a declaration executed by **Mr. Krzyzanowski** that includes his and Mr. Flores' citizenship.

A declaration must include the citizenship of each inventor. Listing the citizenship in an Application Data Sheet (ADS) is insufficient.

35 U.S.C. 115 states,

> The applicant shall make oath that he believes himself to be the original and first inventor ... and shall state of what country he is a citizen.

35 U.S.C. 25 allows one to file a declaration in lieu of an oath, but does not remove the requirement that the declaration/oath include the citizenship of each inventor.

37 CFR 1.63(a)(3) states,

> An oath or declaration filed under § 1.51(b)(2) as a part of a nonprovisional application must ... [i]dentify the country of citizenship of each inventor.

A supplemental declaration, including the citizenship of both of the inventors, must be filed. **It must be executed.** The supplemental declaration should be signed by the cooperating inventor.

Regarding fees, the current Rule 183 petition fee is $400.00. Petitioner has paid only $200.00. Accordingly, deposit account no. 19-0036 will be charged the $200.00 balance due.

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

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)

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

Mail Date: 04/20/2010

Applicant	: Joseph Ross	: DECISION ON REQUEST FOR
Patent Number	: 7655822	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/641,113	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **383** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON, DC 20001

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OFFICE OF PETITIONS

In re Application of	:	
GUDAS, Jean M. et al.	:	
Application No. 11/641,128	:	DECISION ON PETITION
Filed: December 19, 2006	:	TO WITHDRAW
Attorney Docket No. **ASTR-009/02US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 09, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ASTRAZENECA, AB**
35 GATEHOUSE DRIVE
WALTHAM, MA 02451

UNITED STATES PATENT AND TRADEMARK OFFICE

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BARRY W. CHAPIN, ESQ.
CHAPIN INTELLECTUAL PROPERTY LAW, LLC
WESTBOROUGH OFFICE PARK
1700 WEST PARK DRIVE, SUITE 280
WESTBOROUGH, MA 01581

Mail Date: 04/20/2010

Applicant	: Stefan Cameron	: DECISION ON REQUEST FOR
Patent Number	: 7664776	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/641,150	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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POLSINELLI SCHUGHART PC
700 WEST 47TH STREET,
SUITE 1000
KANSAS CITY MO 64112

In re Application of	:	
Scott Daniel MCMILLAN	:	
Application No. 11/641,168	:	DECISION ON PETITION
Filed: December 19, 2006	:	
Docket No. COL162/117267	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 17, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 4, 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 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 of $810; and (3) and the required statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

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

This application is being referred to Technology Center AU 1792 for appropriate action by the Examiner in the normal course of business.

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

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LATHROP & GACE, LC
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SUITE 2800
KANSAS CITY, MO 64108

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OFFICE OF PETITIONS

Applicant: Chen
Appl. No.: 11/641,176
Filing Date: December 19, 2006
Title: PROCESS FOR IMPROVING WATER-WHITENING RESISTANCE OF PRESSURE SENSITIVE ADHESIVES
Attorney Docket No.: 457578
Pub. No.: 2007/0100068 A1
Pub. Date: May 3, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on June 27, 2007, for the above-identified application.

The request is granted.

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

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

Inquiries relating to this matter may be directed to Mark O. Polutta at (703) 272-7709.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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JAMES J. DALEY
679 SHACKAMAXON DRIVE
WESTFIELD, NJ 07090

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OFFICE OF PETITIONS

In re Application of	:	
Maurus Logan	:	
Application No. 11/641,190	:	DECISION ON PETITION
Filed: December 18, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. Cable-Mates-102	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 18, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 3677 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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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
11/641,203	12/19/2006	Samuel J. Reeves	068991-5003US

CONFIRMATION NO. 9137

POWER OF ATTORNEY NOTICE

28977
MORGAN, LEWIS & BOCKIUS LLP
1701 MARKET STREET
PHILADELPHIA, PA 19103-2921

OC000000034976549

Date Mailed: 03/12/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/12/2009.

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

/kainabinet/

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

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Morgan, Lewis & Bockius, LLP
1701 Market Street
Philadelphia, PA 19103-2921

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MAR 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Samuel J. Reeves et al.	:	
Application No. 11/641,203	:	DECISION ON PETITION
Filed: December 19, 2006	:	TO WITHDRAW
Attorney Docket No. 068991-5003US	:	FROM RECORD
	:	

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, 2009.

The request is **APPROVED**.

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

The request was signed by Kenneth J. Davis on behalf of all attorneys/agents associated with customer number 28977. All attorneys/agents associated with customer number 28977 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: Samuel J. Reeves
Caisson Group, Ltd.
123 South Broad Street
Suite 2170
Philadelphia, PA 19109

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PITNEY BOWES INC.
35 WATERVIEW DRIVE
MSC 26-22
SHELTON, CT 06484-3000

Mail Date: 04/20/2010

Applicant	: Bertrand Haas	: DECISION ON REQUEST FOR
Patent Number	: 7581677	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/641,207	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **332** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY UT 84102

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MAR 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Tina EKKER	:	
Application No. 11/641,223	:	DECISION ON PETITION
Filed: 12/19/2006	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 3523.TEKK.NP	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed April 14, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

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

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

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

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

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

Any inquiries concerning this decision may be directed to Michelle R. Eason at (571) 272-4231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 1617 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.

Thurman K Page

Thurman Page
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
11/641,223	12/19/2006	1617	575	3523.TEKK.NP	23	1

CONFIRMATION NO. 9133

CORRECTED FILING RECEIPT

26986
MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY, UT 84102

OC000000034872364

Date Mailed: 03/05/2009

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

Applicant(s)

Tina Ekker, Richfield, UT;

Power of Attorney:

Julie Morriss--33263
David O'Bryant--39793
Frank Compagni--40567
Bretton Crockett--44632
Paul Oestreich--44983
Gregory Dorland--51622

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/751,714 12/19/2005

Foreign Applications

If Required, Foreign Filing License Granted: 01/22/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/641,223**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

Cosmetology product for skin and hair

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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OFFICE OF PETITIONS

CV THERAPEUTICS, INC.
Gilead Palo Alto, Inc.
333 Lakeside Drive
Foster City CA 94404

In re Application of
Arvinder Dhalla, et al.
Application No. 11/641,234
Filed: December 18, 2006
Attorney Docket No. 01-0156-CIP2

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 15, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 19, 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 December 20, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3213.

This application is being referred to Technology Center AU 1623 for appropriate action by the Examiner in the normal course of business on the reply received May 15, 2009.

Cheryl Gibson Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

cc: CV Therapeutics, Inc.
3172 Porter Drive
Palo Alto, CA 94304

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

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OFFICE OF PETITIONS

In re Application of	:	
Marc Morel	:	DECISION NOTING JOINDER
Application No. 11/641,238	:	OF INVENTOR AND DISMISSING
Filed: 12/18/2006	:	PETITION UNDER 37 CFR 1.47(b)
Attorney Docket No. 15675P646	:	AS MOOT AND GRANTING PETITION
	:	UNDER 37 CFR 1.137(b)

This is in response to the petition under 37 CFR 1.47(b), filed October 9, 2007. This is also a decision on the petition under 37 CFR 1.137(b), filed October 9, 2007.

The petition under 37 CFR 1.47(b) is DISMISSED AS MOOT.

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

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 29, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 1, 2007. A Notice of Abandonment was mailed on September 4, 2007.

Consideration under 37 CFR 1.47(b):

Before the petition under 37 CFR 1.47(b) was decided on the merits, petitioner submitted an executed declaration by the formerly non-signing inventor. In view of the joinder of the inventor, further consideration under 37 CFR 1.47(b) is not necessary. Accordingly, the petition is dismissed as involving a moot issue. This application does not have any Rule 1.47(b) status and no such status should appear on the file wrapper. This application does not need to be returned to the Office of Petitions for further consideration under 37 CFR 1.47(b).

Consideration under 37 CFR 1.137(b):

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the Office has received: (1) the reply in the form of a grantable petition under 37 CFR

1.47(b), including an executed declaration, a $200.00 petition fee, surcharges totaling $260.00, an English language translation of the specification, and a statement as to its accuracy; (2) the fee for filing a petition under 37 CFR 1.137(b); and (3) the required statement of unintentional delay.

The Office notes the $200.00 fee for filing the petition under 37 CFR 1.47(b) is unnecessary because the petition is dismissed as moot. The Office further notes that petitioner paid a $1,510.00 fee for filing the petition under 37 CFR 1.137(b); however, the current petition fee is $1,540.00. Thus, the Office will apply $30.00 of the $200.00 refundable petition fee towards the outstanding balance and will credit the remainder of $170.00 to the Deposit Account.

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PILLSBURY WINTHROP SHAW PITTMAN LLP
P.O BOX 10500
McLean VA 22102

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OFFICE OF PETITIONS

In re Application of	:	
Ismail et al.	:	DECISION ON PETITION TO
Application Number: 11/641255	:	WITHDRAW HOLDING OF
Filing Date: 12/19/2006	:	ABANDONMENT
Attorney Docket Number: 42543-359199	:	

This is a decision on the petition filed on July 22, 2009, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

A Notice of Abandonment was mailed on May 26, 2009, stating that the application was abandoned for failure to timely file a proper reply to the non-final Office action mailed on October 3, 2008.

Petitioners assert that no Office action was mailed on October 3, 2008, but rather that a reply was filed on October 3, 2008, in response to the Office action mailed on May 30, 2008. Petitioners therefore request that the holding of abandonment be withdrawn.

A review of the record indicates the following:

1. On May 30, 2008, a non-final Office action was mailed, setting a three (3)-month shortened statutory period for reply.

2. On October 3, 2008 (certificate of mailing date September 29, 2008), an amendment and a one (1)-month extension of time were filed.

3. On January 22, 2009, a non-final Office action was mailed, setting a three (3)-month shortened statutory period for reply.

4. On May 26, 2009, the Notice of Abandonment was mailed.

5. On July 22, 2009, an amendment and a three (3)-month extension of time were filed.

Accordingly, a review of the record indicates that the application is not abandoned, and that no Office action was mailed on October 3, 2008. The Office regrets any inconvenience to petitioners.

The holding of abandonment is **withdrawn**. The Notice of Abandonment is **vacated**.

The application is referred to Technology Center Art Unit 2829 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

PATENT GROUP 2N
JONES DAY
NORTH POINT
901 LAKESIDE AVENUE
CLEVELAND OH 44114

In re Application of	:	
KASPEROVICH, Leonid	:	
Application No. 11/641,332	:	DECISION ON PETITION
Filed: December 19, 2006	:	TO WITHDRAW
Attorney Docket No. **821937-600002**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 02, 2009.

The request is **APPROVED**.

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

The request was signed by David B. Cochran on behalf of all attorneys of record who are associated with customer No. 24325. All attorneys/agents associated with the Customer Number 24325 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Leonid Kasperovich at the address indicated below. There is an outstanding Office action mailed July 15, 2009 that requires a reply from the applicant.

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **LEONID KASPEROVICH, PRESIDENT**
IMAJET COMMUNICATION INC.
3501 MARSALA WAY
MODESTO CA 95356

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DIW Jun-08

OSI PHARMACEUTICALS, INC.
41 PINELAWN ROAD
MELVILLE NY 11747

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JUN 11 2008

OFFICE OF PETITIONS

In re Application of	:	
Arnold et al.	:	
Application Number: 11/641346	:	DECISION ON PETITION
Filing Date: 12/18/2006	:	
Attorney Docket Number: OS-10032	:	

This is a decision on the "PETITION UNDER 37 C.F.R. 1.137(b) FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED PATENT APPLICATION AND RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION," filed on September 13, 2007, which is treated as a petition under 37 CFR 1.53(e), which is treated as a petition to accord the above-identified application a filing date of December 18, 2006.

The petition is **GRANTED**.

On December 18, 2006, the application was deposited without drawings.

On February 20, 2007, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating that the application had been deposited without drawings, and that application should reconsider whether drawings were necessary under 35 U.S.C. § 113 (first sentence). The Notice stated that the filing date would be the date of receipt of the missing drawings. An executed oath or declaration was also required. The Notice of Incomplete Nonprovisional Application stated that a response must be filed within two (2) months, or proceedings on the application will be terminated.

On May 25, 2007, OPAP mailed a Notice of Termination of Proceedings, stating that proceedings on the above-indentified application were terminated, and that the filing fees, less a $130.00 handling fee, were being refunded or credited to counsel's deposit account.

On September 13, 2007, the subject petition was filed. Petitioners assert that the drawings were inadvertently omitted from the application papers as filed, but are not necessary for a filing date.

It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).[1] The same practice has been followed in composition applications. A review of the record reveals that Claims 18-45 are method claims and Claims 1-17 are composition claims. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

Since the petition was necessitated by an error on the part of the USPTO, no petition fee is due.

The "Notice of Incomplete Nonprovisional Application" mailed on February 20, 2007, was sent in error and is hereby vacated.

The application will processed and examined using the papers filed on December 18, 2006.

Receipt of the executed declaration filed on September 13, 2007, is acknowledged.

The application filing fee, search fee, examination fee, and additional claim fee(s) which were previously refunded will be charged to counsel's deposit account in accordance with the fee authorization contained in the transmittal letter filed on December 18, 2006.

The application is being referred to the Office of Patent Application Processing for further processing with a filing date of December 18, 2006, using only the application papers filed on that date.

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[1] MPEP 601.01(f).

Telephone inquiries should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

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MAY 01 2009

OFFICE OF PETITIONS

In re Application of
Yuji NAKAJIMA
Application No. 11/641,347
Filed: December 18, 2006
Attorney Docket No. **6639P281**

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 29, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 31, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2835 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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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.*

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Commissioner for Patents
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NEW BERN NC 28562

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SEP 2 8 2007

OFFICE OF PETITIONS

In re Application of	:	
Uwe Has and Scott Truitt	:	
Application No. 11/641,373	:	DECISION ON PETITION
Filed: December 18, 2006	:	PURSUANT TO 37 C.F.R.
Attorney Docket Number:	:	§ 1.47(A)
2003P00003US	:	
Title: METHOD FOR CONTROLLING AN APPARATUS HAVING ELECTRIC HEATING		

This is in response to the petition under 37 C.F.R. § 1.47(a)[1], filed June 22, 2007.

The petition pursuant to Rule § 1.47(a) is **DISMISSED.**

On December 18, 2006, the application was filed, identifying Uwe Has and Scott Truitt as joint inventors. The application was

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

deposited without an executed declaration. On January 22, 2007, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, requiring a fully executed oath or declaration and the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

With the present petition, Petitioner has included a declaration that has been signed only by Mr. Has.

With this petition, Petitioner has met requirements (1) - (3) of Rule § 1.47(a).

Regarding the fourth requirement of Rule § 1.47(a), Petitioner has set forth that Mr. Truitt cannot be located.

Petitioner has set forth that he "searched various online addresses and telephone directories" for the non-signing inventor, however it does not appear that Petitioner has provided any **details of the efforts to obtain this information**, and as such, it cannot be determined whether the search comprised a diligent effort to locate the non-signing inventor. On renewed petition, Petitioner will need to provide a showing detailing the attempts that were made to obtain a forwarding address or to locate the non-signing inventor by means such as through E-mail, telephone, or the Internet. If it is then averred that such attempts failed, then applicant will have provided the necessary proof required under 37 C.F.R. § 1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details.

It is further noted that **the address for the non-signing inventor that appears on the declaration is not the same address that was given as his last known address.** Presuming that the statement of facts is to be believed, Petitioner will need to submit a new declaration that contains the correct address for the non-signing joint inventor. Alternatively, Petitioner may submit an Application Data Sheet (ADS).

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C. § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be

submitted by mail[2], hand-delivery[3], or facsimile[4]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[5].

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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[6].

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

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2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.
5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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NEW BERN NC 28562

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DEC 21 2007

OFFICE OF PETITIONS

In re Application of :
Uwe Has and Scott Truitt :
Application No. 11/641,373 : DECISION ON RENEWED PETITION
Filed: December 18, 2006 : PURSUANT TO 37 C.F.R.
Attorney Docket Number: : § 1.47(A)
2003P00003US :
Title: METHOD FOR CONTROLLING
AN APPARATUS HAVING ELECTRIC
HEATING

This is in response to the renewed petition under 37 C.F.R. § 1.47(a)[1], filed November 13, 2007.

This renewed petition pursuant to Rule § 1.47(a) is **DISMISSED.**

On December 18, 2006, the application was filed, identifying Uwe Has and Scott Truitt as joint inventors. The application was

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

deposited without an executed declaration. On January 22, 2007, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, requiring a fully executed oath or declaration and the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

An original petition was filed on June 22, 2007, along with a declaration that was signed only by Mr. Has. The original petition was dismissed via the mailing of a decision on September 28, 2007, for failure to establish that a diligent effort was made to locate the non-signing inventor, and for failure to submit an acceptable declaration (the address for the non-signing inventor that appears on the declaration is not the same address that was given as his last known address).

With this renewed petition, requirements (4) and (5) of Rule § 1.47(a) remain unsatisfied.

Regarding the fourth requirement of Rule § 1.47(a), Petitioner has not submitted adequate proof that diligent efforts have been made to locate the non-signing inventor. Petitioner has set forth that the non-signing joint inventor cannot be reached, and as such, Petitioner is required to establish that a diligent effort was made to locate the non-signing inventor. Petitioner has asserted that a search was performed for the non-signing inventor, and has included a copy of the search results. It is clear that several leads were obtained from the search, but it does not appear that Petitioner followed up any of the leads other than the Tennessee addresses. As it is possible that the non-signing inventor has moved to another state, Petitioner will need to follow up on these other leads, for <u>it cannot be asserted that the inventor cannot be found or reached if Petitioner is in possession of a plurality of potentially valid addresses for the non-signing inventor</u>.

Regarding the fifth requirement of Rule § 1.47(a), the Application Data Sheet (ADS) that Petitioner has submitted with this renewed petition cannot be accepted, as it does not appear to have been executed. Petitioner will note that an ADS filed with the application is not required to be signed unless the ADS includes a nonpublication request. 37 C.F.R. §1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 C.F.R. §1.27(c)(2)(ii), filed in the application must be signed by an appropriate party. Therefore, <u>an ADS or a supplemental ADS filed after the filing of an application must be signed</u> in accordance with 37 C.F.R. §1.33(b).

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 "Second Renewed Petition Under 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C. § 704.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[2], hand-delivery[3], or facsimile[4]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[5].

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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[6].

Paul Shanoski
Senior Attorney
Office of Petitions

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2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.
5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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MAR 1 1 2008

OFFICE OF PETITIONS

In re Application of :
Uwe Has and Scott Truitt :
Application No. 11/641,373 : DECISION ON SECOND RENEWED
Filed: December 18, 2006 : PETITION PURSUANT TO
Attorney Docket Number: : 37 C.F.R.§ 1.47(A)
2003P00003US :
Title: METHOD FOR CONTROLLING
AN APPARATUS HAVING ELECTRIC
HEATING

This is in response to the second renewed petition under 37 C.F.R. § 1.47(a)[1], filed February 19, 2008.

This second renewed petition pursuant to Rule § 1.47(a) is **GRANTED**.

On December 18, 2006, the application was filed, identifying Uwe Has and Scott Truitt as joint inventors. The application was deposited without an executed declaration. On January 22, 2007,

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

a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, requiring a fully executed oath or declaration and the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

An original petition was filed on June 22, 2007, and was dismissed via the mailing of a decision on September 28, 2007. A renewed petition was filed on November 13, 2007, and was dismissed via the mailing of a decision on December 21, 2007.

With this second renewed petition, Petitioner has established that a diligent effort was made to locate the non-signing inventor. Petitioner has further included a supplemental Application Data Sheet (ADS) that has been properly executed and contains the correct address for the non-signing inventor.

Petitioner has met all requirements of Rule § 1.47(a), and has submitted all required fees. Therefore, this application is hereby accorded Rule § 1.47(a) status.

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

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

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[2].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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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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OFFICE OF PETITIONS

Scott Truitt
8600 Rayworth Trail
Powell, TN 37849

In re Application of	:	
Uwe Has and Scott Truitt	:	
Application No. 11/641,373	:	LETTER
Filed: December 18, 2006	:	
Attorney Docket Number:	:	
2003P00003US	:	
Title: METHOD FOR CONTROLLING	:	
AN APPARATUS HAVING ELECTRIC	:	
HEATING	:	

Dear Mr. Truitt:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost 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, the attorney of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries **regarding this communication** should be directed to the undersigned at (571) 272-3225. 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).

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN NC 28562

UNITED STATES PATENT AND TRADEMARK OFFICE

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Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

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OFFICE OF PETITIONS

In re Application of	:	
Ilwhan Park et al.	:	
Application No. 11/641,382	:	DECISION ON PETITION
Filed: December 18, 2006	:	TO WITHDRAW
Attorney Docket No. 602672000600	:	FROM RECORD
	:	

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** because it is moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on November 29, 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: **Dorsey & Whitney, LLP**
Intellectual Property Department
370 Seventeenth Street
Suite 4700
Denver, CO 80202-5647

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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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/641,383	12/19/2006	1764	2550	2006B017/2	51	3

CONFIRMATION NO. 8610

CORRECTED FILING RECEIPT

OC000000022812299

23455
EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

Date Mailed: 03/12/2007

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

Applicant(s)

Kenneth R. Clem, Residence Not Provided;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/763,587 01/31/2006

Foreign Applications

If Required, Foreign Filing License Granted: 01/22/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/641,383

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

Non-Publication Request: No

Early Publication Request: No

Title

Separating solid particles from gas in a fluid bed reactor

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 Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

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William L. Krayer
1771 Helen Drive
Pittsburgh PA 15216

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APR 0 1 2008

OFFICE OF PETITIONS

In re Application of	:	
William Schramm, Jr.	:	
Application No. 11/641,393	:	DECISION ON PETITION
Filed: December 19, 2006	:	TO MAKE SPECIAL UNDER
Title: THERAPEUTIC WHEELCHAIR SYSTEM	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 21, 2007, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **DISMISSED**.

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

The instant petition does not include a doctor's or medical certificate showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course.

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

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

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

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to 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 3652 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Merchant & Gould PC
P.O. Box 2903
Minneapolis, MN 55402-0903

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OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Michael P. Fisher	:	
Application No. 11/641,427	:	DECISION ON PETITION
Filed: December 18, 2006	:	TO WITHDRAW
Attorney Docket No. 15628.0001US01	:	FROM RECORD
	:	

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 11, 2008.

The request is **APPROVED**.

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

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

All future correspondence will be directed to the first named inventor Erik G. Swenson at the address indicated below.

There is no outstanding Office action at this time.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Michael P. Fisher**
4209 West 44th Street
Edina, MN 55424

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
11/641,427	12/18/2006	Michael P. Fisher	15628.0001US01

CONFIRMATION NO. 9336

POWER OF ATTORNEY NOTICE

23552
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

OC000000032363242

Date Mailed: 10/01/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/11/2008.

- 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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HONEYWELL INTERNATIONAL INC.
PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

Mail Date: 04/21/2010

Applicant	: Gregory J. Chapman	: DECISION ON REQUEST FOR
Patent Number	: 7575196	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/641,430	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **217** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Joanne Mary Fobare Rossi
Hercules Incorporated
Hercules Plaza
1313 North Market Street
Wilmington DE 19894-0001

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JUL 2 0 2007

OFFICE OF PETITIONS

In re Application of	:	
Singleton et al.	:	
Application No. 11/641,437	:	ON PETITION
Filed: 12/19/2006	:	
Attorney Docket No. DKT 10558 A	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 21, 2007.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application. The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

The finance records indicate that the Office charged the Deposit Account twice for the $1,020.00 extension of time fee, the $200.00 petition fee, and the $130.00 surcharge associated with this application. Therefore, the Office will refund these duplicate fees to the Deposit Account.

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

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

C. T. Donnell

Christina Tartera Donnell
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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Joanne Mary Fobare Rossi
Hercules Incorporated
Hercules Plaza
1313 North Market Street
Wilmington DE 19894-0001

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OFFICE OF PETITIONS

In re Application of	:	
Singleton et al.	:	
Application No. 11/641,438	:	ON PETITION
Filed: 12/19/2006	:	
Attorney Docket No. DKT 10558 B	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 21, 2007.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application. The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

An extension of time for response within the third month is necessary to avoid abandonment of this application. Therefore, the Office will charge the Deposit Account a $1,020.00 extension of time fee, as well as the $200.00 petition fee, and the $130.00 surcharge.

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

Inquiries regarding this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Dr. Michael J. Mayer
1166 Holmesdale Road
Jacksonville FL 32207

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JUL 20 2007

OFFICE OF PETITIONS

In re Application of	:	
Singleton et al.	:	
Application No. 11/641,438	:	ON PETITION
Filed: 12/19/2006	:	
Attorney Docket No. DKT 10558 B	:	

Dear Dr. Mayer:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or (800) 972-6382 (outside the Washington, DC area).

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: Joanne Mary Fobare Rossi, Hercules Incorporated
Hercules Plaza
1313 North Market Street
Wilmington DE 19894-0001

UNITED STATES PATENT AND TRADEMARK OFFICE

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Joanne Mary Fobare Rossi
Hercules Incorporated
Hercules Plaza
1313 North Market Street
Wilmington DE 19894-0001

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OFFICE OF PETITIONS

In re Application of	:	
Singleton et al.	:	
Application No. 11/641443	:	ON PETITION
Filed: 12/19/2006	:	
Attorney Docket No. DKT 10558 C	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 12, 2007.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application. The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

Petitioner obtained an extension of time for response within the third month and paid the appropriate fee. Accordingly, the additional two-month extension of time and $450.00 extension of time fee is unnecessary. The Office will refund the $450.00 fee to the Deposit Account.

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

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Dr. Michael J. Mayer
1166 Holmesdale Road
Jacksonville FL 32207

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OFFICE OF PETITIONS

In re Application of :
Singleton et al. :
Application No. 11/641,443 : ON PETITION
Filed: 12/19/2006 :
Attorney Docket No. DKT 10558 C :

Dear Dr. Mayer:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or (800) 972-6382 (outside the Washington, DC area).

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: Joanne Mary Fobare Rossi, Hercules Incorporated
Hercules Plaza
1313 North Market Street
Wilmington DE 19894-0001

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12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

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MAY 03 2007

OFFICE OF PETITIONS

In re Application of :
ELLIOT A. GOTTFURCHT :
Application No. 11/641,457 : DECISION ON PETITION
Filed: December 19, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. **4346P001X3D** : 37 CFR 1.102(c)(1)
:

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

The petition is **GRANTED**.

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

The evidence submitted with the instant petition is a copy of Elliot Gottfurcht's birth certificate indicating that he is at least 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3622 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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LOS ALAMOS NATIONAL SECURITY, LLC
LOS ALAMOS NATIONAL LABORATORY
PPO. BOX 1663, LC/IP, MS A187
LOS ALAMOS NM 87545

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AUG 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Michael A. Nastasi et al	:	
Application No. 11/641,471	:	DECISION ON PETITION
Filed: December 18, 2006	:	UNDER 37 CFR 1.313(c)
Attorney Docket No. S-109,115	:	

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 28, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

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

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MICHAEL E. KLICPERA
PO BOX 573
LA JOLLA CA 92038-0573

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OCT 1 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Greenberg et al.	:	
Application No. 11/641,476	:	ON PETITION
Filed: December 19, 2006	:	
Attorney Docket No. 70887.01	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 3, 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.

An examiner has no procedural authority with respect to an abandoned application. Lorenz v. Finkl, 333 F.2d 885, 891 142 USPQ 26, 30 (CCPA 1964). While it is unfortunate that, notwithstanding the lack of a proper response to the outstanding Office action, the examiner subsequently issued a Notice(s) of Allowability and a Notice of Allowance, such actions by the examiner were performed without proper authority, and thus, had no force and effect. The examiner has no authority to revive an abandoned application. Id. The examiner's indication of patentable subject matter in an abandoned application will not have the effect of saving that application from abandonment. Lorenz v. Finkl, supra. As the Notice of Allowance and Notice of Allowability of August 1, 2008 were issued in an abandoned application, they were issued without proper authority on the part of the examiner. As such, they have no force and effect and are vacated.

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 $525.00 extension of time fee submitted with the petition on July 3, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

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

This matter is being referred to Technology Center AU 3662 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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MICHAEL E. KLICPERA
PO BOX 573
LA JOLLA CA 92038-0573

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OCT 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Greenberg et al.	:	
Application No. 11/641,476	:	ON PETITION
Filed: December 19, 2006	:	
Attorney Docket No. 70887.01	:	

This is a decision on the petition, filed October 9, 2008, to withdraw under 37 C.F.R. § 1.137(b), filed July 3, 2008, to revive the above-identified application.

The petition is **DISMISSED as moot**.

A petition decision granting the petition to revive filed previously on July 3, 2008 was mailed on October 10, 2008. The instant application has been referred back to the Technology Center for further processing.

The $130.00 petition fee submitted on October 9, 2008 is unnecessary and will be refunded to petitioner's credit card.

As the address on the petition differs from the correspondence address of record, a courtesy copy will be mailed to the address on the petition. All future correspondence will be mailed solely to the address of record.

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

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
ATTN: PATENT INTAKE CUSTOMER
ONE FINANCIAL CENTER
BOSTON, MA 02111

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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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

Mail Date: 05/24/2010

Applicant	: Jiping Zhang	: DECISION ON REQUEST FOR
Patent Number	: 7667366	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/641,478	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **394** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND, OH 44114

Mail Date: 04/27/2010

Applicant	: Dominik Schuetz	: DECISION ON REQUEST FOR
Patent Number	: 7644948	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/641,499	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **201** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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NOV 1 9 2009

VAN DYKE, GARDNER, LINN & DURKHART, LLP
SUITE 207
2851 CHARLEVOIX DRIVE, S.E.
GRAND RAPIDS, MI 49546

In re Application of
Phillip March, et al.
Appl. No. 11/641,501
Filed: December 19, 2006
For: **INTERIOR REARVIEW MIRROR ASSEMBLY WITH POLYMERIC COMPONENTS**

DECISION ON PETITION TO WITHDRAW HOLDING OF FINAL REJECTION UNDER 37 CFR 1.181

This is a decision on Applicant's Petition under 37 CFR 1.181 filed on August 20, 2009 to review the Examiner's holding of Finality in the Final Rejection mailed on July 21, 2009.

The record reflects that on April 6, 2009, Applicant filed an After-final amendment that was denied entry as set forth in the Advisory Action mailed on April 16, 2009. Examiner stated in the Advisory Action that the claim amendments were denied entry because the claim amendments contain material which raised "new issues that would require further consideration and/or search." Accordingly, Applicant filed a submission under 37 CFR 1.114 (Request for Continued Examination) to have the amendments submitted in the After-final amendment from April 6, 2009 entered and considered by the Examiner. Subsequently, the examiner issued a Final Rejection on July 21, 2009 stating "[a]ll claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114."

MPEP § 706,07(b) states:

> However, it would not be proper to make final a first office action in a continuing or substitute application or an RCE where that application contains material which was presented in the earlier application after final rejection or closing of prosecution but was denied entry because (A) new issues were raised that required further consideration and/or search, or (B) the issue of new matter was raised.

A review of the record reveals that the finality of the Office Action mailed on July 21, 2009 was improper because Applicant's amendments were denied entry in the Advisory Action dated April 16, 2009 because the amendments contained therein raised new issues that required further search and/or consideration. Therefore, the finality of the Office Action, but not the Office action itself, mailed on July 21, 2009 will be withdrawn. Applicant's period for response continues to run three months from the mailing of the July 21, 2009 non-final Office action.

SUMMARY: The Petition is **GRANTED.**

Any questions regarding this decision should be directed to J. Allen Shriver, Supervisory Patent Examiner, at (571) 272-6698.

Katherine Matecki

Kathy Matecki, Director
Technology Center 3600
(571) 272-5250

TL/jas : 10/7/2009

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SEP 02 2008

In re Application of	:	
Ritter, et al.	:	
Application No. 11/641,546	:	DECISION
Filed: 19 December, 2006	:	
Attorney Docket No. AVX-202-CIP4	:	

This is a decision on the petition, filed on 12 May, 2008, 2008, for revival of an application abandoned due to unavoidable delay under 37 C.F.R. §1.137(a).[1]

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

> **NOTE**: Petitioner sets forth in his statement a presumption that likely is incorrect as to the lack of information in the address window of the transmittal envelope as it appears in the image file wrapper (IFW).
>
> It appears that Petitioner otherwise has satisfied his burdens as to petition, petition fee, reply (in the form of fees due) and showing.

As to Allegations of
Unavoidable Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(a) are the petition and fee therefor, a reply, a proper showing of unavoidable delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

[1] A review of the extensive discussion at/in the guidance set forth in the commentary at MPEP §711.03(c)(I)(A) and (B) might suggest that the factual averments set forth in the instant petition may be appropriate for a petition (no fee) to withdraw the holding of abandonment and consideration under 37 C.F.R. §1.181. However, Applicant's failure to seek relief timely under the rule (within two (2) months of the action complained of (Notice of Abandonment) leaves Applicant with a petition to revive under the provisions of 37 C.F.R. §1.137(a) or (b) as the proper route to obtain a return to pending status for the instant application.

Petitioner appears to make presumptions in his averment, *inter alia*, that the image file wrapper (IFW) evidences at page 13 of the 3 December 2007, entry that the "returned envelope did not bear any address information and *** the paperwork was folded and inserted backwards [into the envelope by the Office]," which assumptions likely are not correct. In fact the view to which Petitioner refers is the scanned image with the contents of the envelope set forth, followed by the face of the empty envelope in evidence. Petitioner is reminded of the showing burden as to averments of unavoidable delay. (*See*: *ex parte Pratt.*[2]) Moreover, Petitioner requests refund of the petition fee for the petition that Petitioner filed pursuant to 37 C.F.R. §1.137(a), which is not possible because the petition fee is jurisdictional. Thus, Petitioner's request for refund is inappropriate. Had Petitioner wished to have a petition considered without fee, his choice was to file a petition pursuant to 37 C.F.R. §1.181, In this regard, Petitioner's attention is drawn to the guidance in the Commentary at MPEP §711.03(c).[3]

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[2] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887) (the term "unavoidable" "is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business"); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913).

[3] The Commentary at MPEP §711.03(c) provides in pertinent part:

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I. PETITION TO WITHDRAW HOLDING OF ABANDONMENT

A petition to revive an abandoned application (discussed below) should not be confused with a petition from an examiner's holding of abandonment. Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 CFR 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Two additional procedures are available for reviving an application that has become abandoned due to a failure to reply to an Office Action: (1) a petition under 37 CFR 1.137(a) based on unavoidable delay; and (2) a petition under 37 CFR 1.137(b) based on unintentional delay.

A. Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the 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

A proper showing (for relief under 37 C.F.R. §1.181):

- (as to non-receipt) requires at the very minimum: a statement from practitioner stating that the Office action was not received by the practitioner; a statement from the practitioner attesting to the fact that a search of the file jacket and docket records for the application indicates that the Office action was not received with a copy of those docket records; and a brief statement of the calendaring process and a copy of the due-date (calendar) docket record(s) where the nonreceived Office action would have been

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not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.<

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

B. Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed

37 CFR 1.10(c) through 1.10(e) and 1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 CFR 1.10(c), (d), (e), or (g) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).

37 CFR 1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 CFR 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.

C. Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 CFR 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 CFR 1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 CFR 1.181(f).
Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 CFR 1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

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scheduled for reply had it been received must be attached to and referenced in the practitioner's statement; alternatively,

- (for a showing of timely and proper reply) requires a statement from practitioner stating that the reply was timely submitted by the practitioner; and copies of all papers submitted as and/or in support of that reply, with/and a copy of the date-stamped receipt card, Office FAX receipt acknowledgement (not simply Petitioner's FAX transmittal), or EFS receipt acknowledgment from the Office, along with practitioner's attestation as to the correctness/completeness of his/her records.

The showing(s) must include that of the person(s) with first-hand knowledge and an acknowledgment by the Petitioner that he/she has reviewed that information in compliance with his/her duty of candor to the Office. Petitioner has failed to make the showings of search and non-discovery with the documentary presentations discussed herein (and set forth in the footnote, *infra*, and the showings as to docketing and calendaring, again with documentary support—all in support of the averment of nonreceipt..

However, in this matter Petitioner sough relief pursuant to 37 C.F.R. §1.137(a), and not 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Applicant failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 29 November, 2007, with reply due under a non-extendable deadline on or before 29 February, 2008.

The application went abandoned after midnight 29 February, 2008.

It does not appear that the Office mailed the Notice of Abandonment before the instant petition was filed.

On 12 May, 2008, Applicant filed the instant petition with fee, a reply in the form of fees due, and Petitioner , *inter alia*, that the image file wrapper (IFW) evidences at page 13 of the 3 December 2007 entry that the "returned envelope did not bear any address information and *** the paperwork was folded and inserted backwards [into the envelope by the Office]." In fact the view to which Petitioner refers is the scanned image with the contents of the envelope set forth and then the face of the empty envelope in evidence.

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

Petitioner's request for a refund of the petition fee is inappropriate—the petition fee is jurisdictional.

Petitioner sought relief herein pursuant to 37 C.F.R. §1.137(a), and in doing so filed the petition, paid the petition fee, submitted the reply in the form of fees due and made—in concert with the returned mail item in the IFW—a showing of unavoidable delay.

Out of an abundance of caution, Applicants 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.[4]

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.

As to Allegations of
Unavoidable Delay

The requirements under 37 C.F.R. §1.137(a) appear to have been satisfied.

CONCLUSION

Accordingly, The petition under 37 C.F.R. §1.137(a) is **granted**.

The instant application is released to the Publications Branch to be processed into a patent in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Publications Branch in response to this decision—and it is noted that all inquiries with regard to that change in status should be directed to the Publications Branch where that change of status must be effected.

[4] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Applicant's duty of candor and good faith and accepting a statement made by Applicant. 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[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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

§1.2 Business to be transacted in writing.

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

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Mail Date: 06/10/2010

Applicant	: Craig Andrew Kaplan	: DECISION ON REQUEST FOR
Patent Number	: 7627673	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/641,548	: OF WYETH
Filed	: 12/18/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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

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APR 2 7 2007

OFFICE OF PETITIONS

In re Application of Pierre-Yvan Liardet, Yannick Teglia and Alain Pomet Application No.11/641,550 Filed: December 19, 2006 Attorney Docket No. S1022.71027US01 Title of Invention: Protection of the Flow of a Program Executed by an Integrated Circuit or of Data Contained in this Circuit	DECISION GRANTING STATUS UNDER 37 CFR 1.47(A)

This is in response to the petition under 37 CFR 1.47(a) filed March 16, 2007.

The petition is GRANTED.

Petitioner has shown that non-signing inventor Pomet has refused to join in the filing of the above-identified application after having been presented with the application papers. The petition attest a copy of the application was sent to non-signing inventor's last known address. Petitioner has provided evidence of non-signing inventor's express refusal to execute the application papers.

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

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

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

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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Alain Pomet
Les Bannettes
13790 Rousset, France

In re Application of
Pierre-Yvan Liardet, Yannick Teglia and Alain Pomet
Application No.11/641,550
Filed: December 19, 2006
Attorney Docket No. S1022.71027US01
Title of Invention: Protection of the Flow of a Program Executed by an Integrated Circuit or of Data Contained in this Circuit

: LETTER

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APR 27 2007

OFFICE OF PETITIONS

Dear Mr. Pomet:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, applicant (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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JUL 27 2010

OFFICE OF PETITIONS

In re Application :
Ekambar R. Kandimalla et al. :
Application No. 11/641,551 : DECISION ON APPLICATION
Filed: December 19, 2006 : FOR PATENT TERM ADJUSTMENT
Attorney Docket No. **IDR-040US 1** :

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. § 154(B)(3)(B)(ii) filed May 5, 2010. Applicant requests that the determination of patent term adjustment be corrected from 400 to 679 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and in light of the recent court decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).[1]

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

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

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[1]Reconsidered in light of the Court of Appeals for the Federal Circuit's decision in *Wyeth v. Kappos*, 2009-1120 (Fed. Cir. 1-7-2010).

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

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

On November 12, 2009 applicants filed a response to the non-final Office action mailed August 19, 2009. Then on November 19, 2010, applicants filed a Supplemental Response. Pursuant to 37 CFR § 1.704(c)(8), the submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, is a failure to engage in reasonable efforts to conclude prosecution.

Applicants argue that there should be no Applicant delay under 35 U.S.C. § 154(b)(1)(C) because while a supplemental response was filed after the initial response to the non-Final Office Action, they were both filed within three months of the non-Final Office Action and therefore were not delayed. Applicant's arguments have been considered, but not found to be persuasive. The Supplemental Response was received by the Patent Office 12 days after the receipt of the first response to the non-Final Office Action and thus, the Patent Term Adjustment should be reduced by a total of 7 days for applicants' delay, in accordance with 37 CFR 1.704(c)(8).

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

Pursuant to 37 CFR § 1.704(c), circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

> (7) Submission of a reply having an omission (§1.135(c)), in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the reply having an omission was filed and ending on the date that the reply or other paper correcting the omission was filed;
>
> (8) Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, is a failure to engage in reasonable efforts to conclude prosecution.

In this instance, the calculation begins on the day after the first response was filed, November 12, 2009, and ends on the date the supplemental response was filed, November 19, 2009. Thus the applicant delay as indicated is 7 days.

In view thereof, it is concluded that the determination of patent term adjustment at the time of the mailing of the Notice of Allowance is 400 days.

Receipt of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

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

Anthony Knight
Director
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
www.uspto.gov

Morrison & Foester, LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

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DEC 03 2007

OFFICE OF PETITIONS

In re Application of	
Ilwhan Park et al.	
Application No. 11/641,569	DECISION ON PETITION
Filed: September 18, 2006	TO WITHDRAW
Attorney Docket No. 602672000101	FROM RECORD

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** as moot.

A review of the file record indicates that the power of attorney to Thomas E. Ciotti and all attorneys/agents of record has been revoked by the assignee of the patent application on November 29, 2007. 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.

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: Dorsey & Whitney, LLP
Intellectual Property Department
370 Seventeenth Street
Suite 4700
Denver, CO 80202-5647

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/641,569	12/18/2006	Ilwhan Park	602672000101

CONFIRMATION NO. 1004

POWER OF ATTORNEY NOTICE

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

OC000000027027943

Date Mailed: 12/03/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/29/2007.

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

/kainabinet/

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/641,569	12/18/2006	Ilwhan Park	

CONFIRMATION NO. 1004

POA ACCEPTANCE LETTER

OC000000027027964

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

Date Mailed: 12/03/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/29/2007.

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.

/kainabinet/

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

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

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JUN 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Nam, et al.	:	
Application No. 11/641,580	:	DECISION GRANTING
Filed: December 19, 2006	:	PETITION
Attorney Docket No. 51876.P1149	:	

This is a decision on the petition under 37 CFR 1.10(c), filed January 22, 2007 (certificate of mailing date January 18, 2007), requesting that the above-identified application be accorded a filing date of December 18, 2006, rather than the presently accorded date of December 19, 2006.

Petitioners allege that the application was deposited in Express Mail Service on December 18, 2006. In support, the petition is accompanied by a copy of Express Mail receipt No. EV612532820US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of "12 18 06."

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label; MPEP 513. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on December 18, 2006.

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

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

This application file is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **December 18, 2006** and for issuance of a corrected filing receipt.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: ERIC S. HYMAN
BLAKELY, SOKOLOFF, TAYLOOR & ZAFMAN
12400 WILSHIRE BLVD. 7TH FLOOR
LOS ANGELES, CA 90025-1026

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/641,592	12/19/2006	2884	0.00	995.006US1	17	1

CONFIRMATION NO. 7974

CORRECTED FILING RECEIPT

OC000000022965306

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

Date Mailed: 03/19/2007

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

Applicant(s)

Yuanjing Li, Beijing, CHINA;
Shuwei Li, Beijing, CHINA;
Qingjun Zhang, Beijing, CHINA;
Qingwen Miao, Beijing, CHINA;
Zhude Dai, Beijing, CHINA;
Nianming Jiang, Beijing, CHINA;
Yongqiang Wang, Beijing, CHINA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

CHINA 200510136318.3 12/31/2005

If Required, Foreign Filing License Granted: 01/22/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/641,592

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

Non-Publication Request: No

Early Publication Request: No

Title

Multi-array detector module structure for radiation imaging

Preliminary Class

250

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/641,598	12/19/2006	Hidenori Ishibashi	SONYJP 3 . 0-1281	7992

7590 09/09/2009
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER
KUNTZ, CURTIS A

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
09/09/2009	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 09/11/2009 NFARMER
03/27/2007 MWOLDGE1 00000031 121095 11641598
03 FC:1111 500.00 CR

FORM PET651G (Rev. 08/07)

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WOLF, GREENFIELD AND SACKS, PC
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

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DEC 09 2008

Applicant: Landry, et al.
Appl. No.: 11/641,605
Filing Date: December 19, 2006
Title: SYSTMEM AND METHOD OF DELIVERING A DESIRED MATERIAL TO A CELL
Attorney Docket No.: V0139.70093US01
Pub. No.: US 2007/0281036 A1
Pub. Date: December 6, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 16, 2008, for the above-identified application

Applicant requests that the application be republished because the patent application publication contains material errors wherein there are numerous errors throughout the publication.

The request is DISMISSED.

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 with respect to the specification may be Office errors, but they are not material Office errors under 37 CFR 1.221. The errors in the specification are not material Office errors under 37 CFR 1.221 because the quality of the text is poor, as it is small. The errors noted by requestor in the specification are due to the quality of the text, as the text of the 1 formulas is small. The text is not clear due to the size, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52 and PCT Rule 11.9(d)(1). Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52 and PCT Rule 11.9(d)(1).

[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).

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

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

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

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

By facsimile: 571-273-8300

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Cooley Godward Kronish LLP
Attn: Patent Group
Suite 1100
777-6th Street, NW
Washington, DC 20001

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AUG 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Jean M. Gudas	:	
Application No. 11/641,633	:	DECISION ON PETITION
Filed: December 19, 2006	:	TO WITHDRAW
Attorney Docket No. 102066-2 US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 9, 2008

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

A review of the file record indicates that the power of attorney to Cooley Godward Kronish LLP has been revoked by the assignee of the patent application on June 20, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **AstraZeneca, AB**
35 Gatehouse Drive
Waltham, MA 02451

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

Mail Date: 04/21/2010

Applicant	: Toshiki Sugawara	: DECISION ON REQUEST FOR
Patent Number	: 7590356	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/641,743	: OF WYETH
Filed	: 12/20/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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

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ATTN: MAQUITA WONG
THE HONG KONG POLYTECHNIC UNIVERSITY
1800 DIAGONAL ROAD, SUITE 600
MIALBOX #119
ALEXANDRIA VA 22314

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SEP 3 0 2008

OFFICE OF PETITIONS

In re Application of	:	
YU, Shuhui et al.	:	
Application No. 11/641,800	:	DECISION ON PETITION
Filed: December 20, 2006	:	TO WITHDRAW
Attorney Docket No. **IP-362A**	:	FROM RECORD
	:	

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 21, 2008.

The request is **APPROVED**.

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

The request was signed by Robert M. DeWitty, the sole attorney of record. Robert M. DeWitty has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Shuhui Yu 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.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **SHUHUI YU**
HONG KONG POLYTECHNIC UNIVERSITY
HUNG HOM
KOWLOON, HONG KONG

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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

Mail Date: 04/21/2010

Applicant	: Jong-in Lee	: DECISION ON REQUEST FOR
Patent Number	: 7615114	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/641,801	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **303** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

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FEB 26 2010

In re Application of
Jose Nunez-Regueiro, et. al.
Application No. 11/641,827
Filed: December 20, 2006
Attorney Docket No. JAR-3691-1173

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed October 16, 2009, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

This application was held abandoned for failure to reply to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed March 25, 2009. A Notice of Abandonment was mailed on October 7, 2009.

Petitioner asserts that the Office action dated March 25, 2009 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement.

The petition fails to satisfy number two of the above-stated requirements.

Additionally, petitioner should note MPEP 711.03(c)[1], which states: **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.

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 $1,620 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

[1] *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).

appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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."

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, and documentation to this number should be addressed to the Office of Petitions.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO. In order to expedite the filing of any renewed petition, petitioner may wish to contact the undersigned once filed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Jose Nunez-Regueiro, et. al.	:	
Application No. 11/641,827	:	DECISION ON PETITION
Filed: December 20, 2006	:	
Attorney Docket No. JAR-3691-1173	:	

This is a decision on the renewed petition under 37 CFR 1.181 (no fee), filed March 26, 2010 and March 29, 2010, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed March 25, 2009. A Notice of Abandonment was mailed on October 7, 2009.

Petitioner asserts that the Office action dated March 25, 2009 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center Art Unit 1794 for re-mailing the Office action of March 25, 2009. The period for reply will run from the mailing date of the Office action.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 06/03/2010

Applicant	: Ji Hwan Choi	: DECISION ON REQUEST FOR
Patent Number	: 7626503	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/641,835	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 05/04/2010

Applicant	: Ji Hwan Choi	: DECISION ON REQUEST FOR
Patent Number	: 7612672	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/641,839	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **311** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.:20090116

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:

Corrections are approved by the Examiner.

/T C Patel/
Supervisory Patent Examiner.Art Unit 2839

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Alston & Bird, LLP
Pioneer Hi-Bred International, Inc.
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000

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MAY 21 2008

OFFICE OF PETITIONS

In re Application of	:	
Linda A. Castle, et. al.	:	
Application No. 11/641,898	:	DECISION ON PETITION
Filed: December 19, 2006	:	
Attorney Docket No. 034718/319468	:	

This is a decision on the petition and response to the Notice to File Corrected Application Papers filed April 17, 2007, requesting that Figure 14 in the above-identified application retain the original filing date of December 19, 2006.

The application was filed on December 19, 2006. However, on February 13, 2007, the Office of Patent Application Processing mailed a "Notice to File Corrected Application Papers" advising petitioner that a filing date had been accorded the application, but that a drawing of Figure 14, as described in the specification, appeared to be missing. Additionally, the Notice required submission of replacement drawings in compliance with 37 CFR §§ 1.84 and 1.121(d).

In response, petitioner filed the instant petition along with the petition fee of $400, a request with a $120 fee for a one month extension of time and twenty-one (21) sheets of replacement drawings, containing Figures 1-18.

Petitioner asserts that the application as deposited with the USPTO was complete with twenty-one sheets of drawings containing Figure 14 as described in the specification. In support, petitioner submits a copy of a date-stamped postcard receipt, which shows that the USPTO received twenty-one sheets of drawings, among other items, filed on December 19, 2006.

A review of the application file discloses that the specification refers to Figure 14. However, a review of the drawings received in the Office on December 19, 2006 contains twenty (20) sheets of drawings containing Figures 1-13 and 15a-18, but no Figure 14. However, the evidence is convincing that the application was filed with twenty-one sheets of drawings on December 19, 2006. Therefore, the petition is **GRANTED**.

In view of the above, the petition fee of $400 is being credited to petitioner's deposit account.

This application file is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

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ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant	: Linda A. Castle	: DECISION ON REQUEST FOR
Patent Number	: 7666644	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/641,898	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **407** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 05/18/2010

Applicant : Linda A. Castle
Patent Number : 7666644
Issue Date : 02/23/2010
Application No : 11/641,898
Filed : 12/19/2006

: 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 **453** 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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STMicroelectronics Inc.
c/o WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston MA 02210-2206

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OCT 2 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Teglia, Liardet and Pomet	:	DECISION ACCORDING STATUS
Application No. 11/641,940	:	UNDER 37 CFR 1.47(a)
Filed: 12/19/2006	:	
Attorney Docket No. S1022.71112US00	:	
Title: PROTECTION OF THE EXECUTION	:	
OF A DES ALGORITHM	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 11, 2007. Petitioners obtained an extension of time for response within the third month. Accordingly, the petition is filed timely.

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

Petitioners showed that they mailed a copy of the application papers to Alain Pomet, the non-signing inventor, at his last known address; however, he expressly refused to join in the filing of the above-identified application. Specifically, Katherine K. Hodges stated that in a telephone call Mr. Pomet confirmed that he had received the application papers but that he did not intend to sign them.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the present petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being referred to Technology Center Art Unit 2131 for examination in due course.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Mr. Alain Pomet
Les Banettes
13790 Rousset, FRANCE

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OCT 2 4 2007

OFFICE OF PETITIONS

In re Application of :
Teglia, Liardet and Pomet :
Application No. 11/641,940 : LETTER
Filed: 12/19/2006 :
Attorney Docket No. S1022.71112US00 :
Title: PROTECTION OF THE EXECUTION OF :
A DES ALGORITHM :

Dear Mr. Pomet:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or (800) 972-6382 (outside the Washington, DC area).

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: STMicroelectronics Inc.
c/o WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston MA 02210-2206

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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

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OCT 16 2008

OFFICE OF PETITIONS

In re Application of	:	
Vladimir Vitalevitch Ivanov, et al.	:	
Application No. 11/641,945	:	DECISION GRANTING PETITION
Filed: December 20, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 081468-0359218	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 15, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application is being referred to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement and amendment.

Terri Williams

Terri Williams
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.*

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Paper No.

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WASHINGTON DC 20007

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OFFICE OF PETITIONS

In re Application of Mauro Ferrari, Mark Ming-Cheng Cheng, Giovanni Cuda, Marco Gaspari, David Geho, Lance Liotta, Emmanuel Petricoin, Fredika Robertson, and Rosa Terracciano Application No. 11/641,970 Filed: December 20, 2006 Attorney Docket No. 066057-0107 Title: NANOPOROUS SUBSTRATES FOR THE ANALYTICAL METHODS	:	DECISION ON PETITION UNDER 37 C.F.R. § 1.47(A)

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a)[1], filed September 12, 2007.

On May 1, 2007, the attorneys of record submitted a "Withdrawal

---

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

of Attorney of Record and Change of Correspondence Address." A decision on that petition will be mailed under separate cover.

On December 20, 2006, the application was filed, identifying Mauro Ferrari, Mark Ming-Cheng Cheng, Giovanni Cuda, Marco Gaspari, David Geho, Lance Liotta, Emmanuel Petricoin, Fredika Robertson, and Rosa Terracciano as joint inventors. The application was deposited without an executed oath or declaration. On March 12, 2007, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

With the present petition, Petitioner has submitted, *inter alia*, the surcharge associated with the late submission of an oath or declaration, a portion of the petition fee[2], a declaration that has been executed by each of the inventors save Messrs. Geho and Liotta and Ms. Petricoin, a statement of facts, and a plurality of exhibits. Petitioner has further submitted a four-month extension of time so as to make timely this response.

Petitioner has established that complete copies of the application were sent to each of the non-signing inventors. Mr. Liotta has confirmed the receipt of the same, and has failed to provide Petitioner with an executed declaration. Messrs. Geho and Petricoin have expressly refused to execute the same.

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

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

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

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2 The remainder of the petition fee has been charged to Petitioner's Deposit Account, as authorized in the petition.

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[3].

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

cc: Smith Patent Counseling LLC
3309 Duke Street
Alexandria, VA 22314

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Advantedge Law Group, LLC.
3301 N. University Avenue
Suite 200
Provo, UT 84604

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APR 09 2008

OFFICE OF PETITIONS

In re Application of
Todd K. Whitehurst et al.
Application No. 11/641,977
Filed: December 19, 2006
Attorney Docket No. 3013-0124 (05-00709-03)

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

The request is **NOT APPROVED**.

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

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 or assignee.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Todd K. Whitehurst
925 Elm Trail
Frazier Park, CA 93225

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

LECROY CORPORATION
700 CHESTNUT RIDGE ROAD
CHESTNUT RIDGE NY 10977

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MAY 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Sexton et al.	:	
Application No. 11/641,984	:	DECISION ON PETITION
Filed: December 19, 2006	:	
Attorney Docket No. LEC-06-1440-U1	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner within the meaning of 37 CFR 1.113 to the final Office action mailed July 21, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 22, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and fee of $270.00; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

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

This application is being referred to Technology Center AU 2819 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

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OFFICE OF PETITIONS

In re Application of :
Bartholmey, et al. :
Application No.: 11/642,006 : DECISION
Filing Date: 19 December, 2006 :
Attorney Docket No. 63273-8003.US1 :

This is a decision on the petition filed on 25 April, 2008, to revive an application under 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

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

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR §1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

It is unclear what Petitioner considers the basis for the application being deemed abandoned—as will be discussed hereinbelow

BACKGROUND

The record reflects that:

The instant application was filed with a Request for Nonpublication.

On 16 March, 2007, Petitioner replied to the Notice of Missing Parts mailed on 23 January, 2007, with reply due absent an extension of time on or before 23 March, 2007.

On 25 April, 2008, Petitioner filed:

- a request to rescind Nonpublication Request, which request expressly states that it is being filed no later than 45 days after the filing of a foreign or international application; and

- contemporaneously filed the instant petition with fee, a statement of unintentional delay.

It appears that the Office did not mail a Notice of Abandonment before the instant petition was filed.

If Petitioner filed the instant petition because he failed to notify the Office timely as to the subsequent filing of a Foreign or International Filing, and so intended the instant petition to be considered under the provisions of the 37 C.F.R. §1.137(f), Petitioner failed to so state, and further Petitioner failed to specify the filing date of the subsequently filed foreign or international application.

(A copy of the petition form, which provides an opportunity for inclusion of that data, is enclosed herewith.)

Thus, due to the conflict between the request to rescind and the nature of the requirement of a petition under 37 C.F.R. §1.137(f), it is unclear as to:

- the basis of Petitioner's perceived consideration of the abandonment of the instant application; and

- whether or not the issue of abandonment—and therefore the petition—is moot.

It also appears that new Counsel has been enrolled since the instant petition was filed.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts

of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[2],[3]

CONCLUSION

The instant petition under 37 C.F.R. §1.137(b) is **dismissed without prejudice**.

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

---

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

[2] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[3] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

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.**

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

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

[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

PTO/SB/64a (10-08)
Approved for use through 11/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OFA FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f))	Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b)

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is _____.

This collection of information is required by 37 CFR 1.137. 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.

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.

STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

Enclosures: ☐ Fee Payment

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

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OFFICE OF PETITIONS

In re Application of	:	
Bartholmey, et al.	:	
Application No.: 11/642,006	:	DECISION
Filing Date: 19 December, 2006	:	
Attorney Docket No. 63273-8003.US1	:	

This is a decision on the petition, filed 26 November, 2008, under 37 C.F.R. §1.137(f), which is being treated as a petition under 37 C.F.R. §1.137(b) to accept an unintentionally delayed notification to the U.S. Patent and Trademark Office (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 C.F.R. §1.137(f).)

The petition is **DISMISSED** as inappropriate for the reasons stated below.

The record discloses that, on 19 December, 2006, the date of filing of the instant application, a Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) was filed certifying that "the invention disclosed in the attached **application has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing."

Petitioner now requests under 35 U.S.C. § 122(b)(2)(B)(ii) that the Request and Certification Under 35 U.S.C. § 122(b)(2)(B)(i) be rescinded and the application be revived because this application became abandoned for failure to notify the USPTO within 45 days of the filing of a corresponding international or foreign application. In this regard, Petitioner states that an international or foreign application corresponding to the instant application was filed on a date that is averred to be prior to the date of filing the instant application—however, the papers now submitted indicate that the foreign/international-filed application was filed on 19 December, 2006. Petitioner should notify the Office immediately if this appreciation is incorrect.

BACKGROUND

The record reflects that:

The instant application was filed with a Request for Nonpublication.

On 16 March, 2007, Petitioner replied to the Notice of Missing Parts mailed on 23 January, 2007, with reply due absent an extension of time on or before 23 March, 2007.

It appears that the Office did not mail a Notice of Abandonment before the original petition was filed.

On 25 April, 2008, Petitioner filed:

- a request to rescind Nonpublication Request, which request expressly states that it is being filed no later than 45 days after the filing of a foreign or international application; and

- contemporaneously filed a petition under 37 C.F.R. §1.137(b) with fee, a statement of unintentional delay but no explanation of the Petitioner's reason(s) for considering the application abandoned.

If Petitioner filed the original petition because he failed to notify the Office timely as to the subsequent filing of a Foreign or International Filing, and so intended the original petition to be considered under the provisions of 37 C.F.R. §1.137(f), Petitioner failed to so state, and further Petitioner failed to specify the filing date of the subsequently filed foreign or international application. Thus, due to the conflict between the request to rescind and the nature of the requirement of a petition under 37 C.F.R. §1.137(f), it was unclear as to: (a) the basis of Petitioner's perceived consideration of the abandonment of the instant application; and (b) whether or not the issue of abandonment—and therefore the petition—was moot. As a result, the original petition was dismissed on 17 November, 2008. (A copy of the petition form, which provides an opportunity for inclusion of that data, was enclosed therewith.)

Petitioner filed a petition pursuant to 37 C.F.R. §1.137(f) on 26 November, 2008, and submitted an additional paper asserting that "the Office of Petitions dismissed the petition *** on the basis that the Applicant should have used the form for Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of A Foreign or International Filing 37 C.F.R. §1.137(f)." This is not accurate—the petition was not dismissed for Applicant's failure to use the correct form; rather, the decision of 17 November, 2008, stated that the petition was dismissed because Petitioner failed to state/show the basis for Petitioner's perception of the basis of the abandonment—i.e., there was no statement: that a foreign filing had taken place without proper and timely Notice to the Office as required under the regulation; and without statement of the date of the foreign/international filing in question.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an

applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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

The instant nonprovisional application did not become abandoned as a result of the filing of a corresponding application filed in another country, or under a multilateral international agreement, **subsequent** to the filing of the present application. In this regard, 35 U.S.C. § 122((b)(2)(B)(iii) states:

> An applicant who has made a request under clause (i) but who **subsequently files, in a foreign country or under a multilateral international agreement** specified in clause (i), an application directed to the invention disclosed in the application filed in the Patent and Trademark Office, shall notify the Director of such filing not later than 45 days **after the date of the filing of such foreign or international application**. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional [emphasis supplied].

The facts of this case are that the subject application was filed on 19 December, 2006, and the corresponding foreign application was filed on 19 December, 2006.

The statute does not provide for the situation where a certification under 35 U.S.C. §122(b)(2)(B)(i) was made, despite the fact that an application was previously filed in another country or under the multilateral international agreement. The provisions of 35 U.S.C. §122(b)(2)(B)(iii) only provide for revival in the situation where a certification was made under 35 U.S.C. §122(b)(2)(B)(i) at the time of filing the application and an application was subsequently filed in a foreign country without notifying the Office within 45 days of the filing thereof.

CONCLUSION

In view of the foregoing, and because this application did not become abandoned pursuant to the provisions of 35 U.S.C. § 122(b)(2)(B)(iii), a petition to revive under the provisions of 37 CFR 1.137(b) is inappropriate and, therefore, must be **dismissed**.

---

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

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 cannot be generated at this writing.

The rules and statutory provisions governing the operations of the Office require payment of a fee on filing each petition. *See* 35 U.S.C. § 41(c)(7). Accordingly, the petition fee of $770.00 paid by Petitioner's check on 25 April, 2008, cannot and will not be refunded.

This application is being released to Technology Center/AU 3745 for further processing in due course.

It is noted that on his papers Petitioner appears to list improvidently the Technology Center/AU 1744.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the decision has been acknowledged by the Technology Center/AU. It is noted that all inquiries with regard to substantive examination need be directed to the Technology Center/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[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./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request—Could not be generated at this writing.

[2] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SAND & SEBOLT
AEGIS TOWER, SUITE 1100
4940 MUNSON STREET, NW
CANTON, OH 44718-3615

COPY MAILED
NOV 10 2008
OFFICE OF PETITIONS

In re Application of	:	
Dennis D. BELDEN, JR., et al	:	
Application No. 11/642,011	:	DECISION ON PETITION
Filed: December 19, 2006	:	TO WITHDRAW
Attorney Docket No. 3719/51US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 2, 2008.

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

A review of the file record indicates that the power of attorney to Sand & Sebolt, has been revoked by the assignee of the patent application on October 9, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communication from the Office will be directed to the address indicated below until otherwise properly notified by the applicant.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: INVUE SECURITY PRODUCTS INC.
15015 LANCASTER HIGHWAY
CHARLOTTE, NC 28277-2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OFFICE OF PETITIONS

ALEXANDER B. CHING
P.O. BOX 1675
206 WEST SNYDER
HOBBS, NM 88241

In re Application of
Daniel Lloyd Hodges
Application No. 11/642,032
Filed: December 18, 2006
Attorney Docket No. 12127

DECISION DISMISSING PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed July 14, 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 Power Attorney filed July 14, 2008 is **not** acceptable, since the Power of Attorney is from an assignee but does not include the certificate required by 37 CFR 3.73(b). . However, in accordance with 37 CFR 1.34(a), the signature of Norman P. Soloway 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. A courtesy copy of this decision is being mailed to petitioner. However, if Mr. Soloway desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

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. No additional petition fee is required.

Petitioner indicates that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not

notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. A Request to Rescind was filed with the petition on July 14, 2008; however, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application in a renewed petition under 37 CFR 1.137(b).

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

By mail: Mail Stop PETITION
Commissioner for Patents
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) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: NORMAN P. SOLOWAY
HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE, SUITE 140
TUCSON, AZ 85718

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

NORMAN P. SOLOWAY
HAYES SOLOWAY, P.C.
3450 E. SUNRISE DRIVE, SUITE 140
TUCSON, AZ 85718

COPY MAILED

APR 15 2009

OFFICE OF PETITIONS

In re Application of
Daniel Lloyd Hodges
Application No. 11/642,032
Filed: December 18, 2006
Attorney Docket No. MEDUSA 07.11

DECISION GRANTING PETITION
UNDER 37 CFR 1.137(f)

This is a decision on the renewed petition, filed February 17, 2009, to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner indicates that the instant nonprovisional application is the subject of an application filed in an eighteen month publication country on December 13, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen month publication country.

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

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

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

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

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of July 16, 2009 accompanies this decision on petition.

The Notice of Acceptance of Power of Attorney is also enclosed.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

This application is being referred to the Technology Center 2612.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosures: (1) Notice Regarding Non-publication Request
(2) Notice of Acceptance of Power of Attorney

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
11/642,032	12/18/2006	Daniel Lloyd Hodges	12127

CONFIRMATION NO. 8914

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

NONPUBLICATION RESCISSION LETTER

OC000000035430642

Date Mailed: 04/10/2009

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 07/16/2009.

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

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

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

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

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

/sdbrinkley/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/642,032	12/18/2006	Daniel Lloyd Hodges	12127

CONFIRMATION NO. 8914

POA ACCEPTANCE LETTER

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

OC000000035430641

Date Mailed: 04/10/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/17/2009.

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.

/sdbrinkley/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NORMAN P. SOLOWAY
HAYES SOLOWAY, P.C.
3450 E. SUNRISE DRIVE, SUITE 140
TUCSON, AZ 85718

COPY MAILED

JUL 16 2009

OFFICE OF PETITIONS

In re Application of

Daniel L. HODGES
Application No. 11/642,032
Filed: December 18, 2006
Attorney Docket No. **MEDUSA 07.11**

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 10, 2009.

The request is **APPROVED**.

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

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

All future communications from the Office will be directed to the assignee of the entire interest at the 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: **MEDUSA SPECIAL PROJECTS, LLC**
2920 NORTH SWAN ROAD, SUITE 207
TUCSON, AZ 85712

cc: **MEDUSA SPECIAL PROJECTS, LLC**
9121 E. TANQUE VERDE ROAD, SUITE 105-419
TUCSON, AZ 85749

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 WALKER, L.L.P.
112 E. PECAN, SUITE 2400
SAN ANTONIO TX 78205

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JUL 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Edwards, John Lee	:	DECISION ON PETITION
Application No. 11/642,075	:	TO WITHDRAW
Filed: December 20, 2006	:	FROM RECORD
Attorney Docket No. 125983.0010.000	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 18, 2009.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) was appointed by a specific designation, then the Request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request.

In the instant application, the practitioners were not appointed via Customer Number. Therefore, requesting to withdraw via Customer Number is not the appropriate course.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

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 WALKER, L.L.P.
112 E. PECAN, SUITE 2400
SAN ANTONIO TX 78205

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JAN 27 2010

In re Application of	:	
Edwards, John Lee	:	DECISION ON PETITION
Application No. 11/642,075	:	TO WITHDRAW
Filed: December 20, 2006	:	FROM RECORD
Attorney Docket No. 125983.0010.000	:	

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 7, 2010.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney was revoked by the applicant of the patent application on September 29, 2009. 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 properly notified.

There is an outstanding Office action, mailed December 30, 2009, which requires a reply from the applicant. Failure to timely and properly respond will result in abandonment of the instant application.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: JOHN L. EDWARDS
6222 TOWER LANE, UNIT B4
SARASOTA FL 34240

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/642,090	12/20/2006	Kenichi Yakushiji	02008/311002

CONFIRMATION NO.
9616

OSHA LIANG L.L.P.
1221 MCKINNEY STREET
SUITE 2800
HOUSTON TX 77010

Date Mailed: June 21, 2007

Decision Dismissing Petition under 37 CFR 1.138(c)
The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

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

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

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

4. ☐ Petition fee was not paid.

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

Telephone inquiries should be directed Office of Patent Publication, Pre-Grant Publication Division, 703-605-4283.

Barbara J. Debnam
Office of Patent Publication
Pre-Grant Publication Division

Rev. 10/01

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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Caterpillar Inc.
Intellectual Property Dept.
AB 6490
100 N.E. Adams Street
PEORIA IL 61629-6490

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DEC 14 2007

OFFICE OF PETITIONS

In re Application of	:	
Casey et al.	:	
Application No. 11/642112	:	
Filing or 371(c) Date: 12/20/2006	:	
Attorney Docket Number:	:	
04-205.1	:	ON PETITION

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed November 13, 2007.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed January 26, 2007. The Notice required an oath or declaration and replacement drawings, and set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned March 27, 2007. A Notice of Abandonment was mailed October 17, 2007.

Applicant files the present petition response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply in the form of an Amendment; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing for processing of the reply to the Notice in due course.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LARRY S. MILLSTEIN
HOLLAND & KNIGHT LLP
1600 TYSONS BOULEVARD
SUITE 700
MCLEAN VA 22102

COPY MAILED

JUN 2 3 2008

OFFICE OF PETITIONS

In re Application of

WOODRUFF, Teresa et al.
Application No. 11/642,118
Filed: December 20, 2006
Attorney Docket No. **OVAC0003-US2**

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 14, 2008.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 attorney of record, does not meet any of the conditions set forth in 37 CFR 10.40.

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

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

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **WILLIAM E. BARROWS**
1020 EVERGREEN CIRCLE
OLYMPIA FIELDS IL 60461

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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BRIDGESTONE AMERICAS HOLDING, INC.
1200 FIRESTONE PARKWAY
AKRON, OH 44317

MAILED

FEB 25 2009

OFFICE OF PETITIONS

In re Application of :
Xiaorong Wang et al :
Application No. 11/642,124 :
Filed: February 24, 2009 :
Attorney Docket No. P04021US2A

ON PETITION

This is a decision on the petition, filed February 24, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid on February 6, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

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

This matter is being referred to Technology Center AU 1796 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

cc: Nathan T. Lewis
Jones Day
North Point
901 Lakeside Avenue
Cleveland, OH 44114

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WILLIAM WINTERS
PATENT LAW PROFESSIONALS
1762 TECHNOLOGY DRIVE, SUITE 112
SAN JOSE, CA 95110

COPY MAILED

MAY 09 2007

OFFICE OF PETITIONS

In re Application of	:	
Andrew Velcoff	:	
Application No. 11/642,129	:	DECISION ON PETITION
Filed: December 19, 2006	:	TO WITHDRAW
Attorney Docket No. 99997.000140	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 5, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Patent Law Professionals has been revoked by the applicant of the patent application on February 22, 2007. 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 inventor at the first copied address below until otherwise properly notified by the applicant.

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

April Wise
Petitions Examiner
Office of Petitions

cc : ANDREW VELCOFF
C/O GREENBERG TRAURIG, LLP
3290 NORTHSIDE PARKWAY,
SUITE 400
ATLANTA GA 30327

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
11/642,129	12/19/2006	Andrew Velcoff	99997.000140

CONFIRMATION NO. 9853

OC000000023160057

58896
GREENBERG TRAURIG
THE FORUM
3290 NORTHSIDE PARKWAY, STE. 400
ATLANTA, GA 30327

Date Mailed: 03/29/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/22/2007.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/642,129	12/19/2006	Andrew Velcoff	99997.000140

CONFIRMATION NO. 9853

OC000000023160103

Andrew Velcoff
505 Gramercy Drive
Marietta, GA 30068

Date Mailed: 03/29/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/22/2007.

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.

Diane Gorlyn

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

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/642,129	12/19/2006	Andrew Velcoff	99997.000140

CONFIRMATION NO. 9853

OC000000023160057

58896
GREENBERG TRAURIG
THE FORUM
3290 NORTHSIDE PARKWAY, STE. 400
ATLANTA, GA 30327

Date Mailed: 03/29/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/22/2007.

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

Diane Goodlyn

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

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ANDREA BATES
GREENBERG TRAURIG
THE FORUM
3290 NORTHSIDE PARKWAY,
STE. 400
ATLANTA, GA 30327

COPY MAILED

JUN 06 2007

OFFICE OF PETITIONS

In re Application of	:	
Andrew Velcoff	:	CORRECTED
Application No. 11/642,129	:	DECISION ON PETITION
Filed: December 19, 2006	:	TO WITHDRAW
Attorney Docket No. 99997.000140	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 5, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Patent Law Professionals has been revoked by the applicant of the patent application on February 22, 2007. 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 inventor at the first copied address below until otherwise properly notified by the applicant.

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

April Wise
Petitions Examiner
Office of Petitions

cc : ANDREW VELCOFF
C/O GREENBERG TRAURIG, LLP
3290 NORTHSIDE PARKWAY,
SUITE 400
ATLANTA GA 30327

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United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/642,133	12/20/2006	Vijaya B. Rentala	TI-60247	9858

23494 7590 11/21/2008
TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

EXAMINER
MAI, LAM T

ART UNIT	PAPER NUMBER
2819	

NOTIFICATION DATE	DELIVERY MODE
11/21/2008	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):

uspto@ti.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Texas instruments Incorporated
PO BOX 655474, M/S 3999
Dallas, TX 75265

In re Application of al.	:	
Application No. 11/642,133	:	NOTICE OF WITHDRAWAL
Filed: 12/20/2006	:	FROM ISSUE
Attorney Docket No. TI-60247	:	UNDER 37 CFR э 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 08/25/2008, 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, Acting
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Law Office of ROBERT C. KLINGER
2591 Dallas Parkway
Suite 300
FRISCO TX 75034

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DEC 1 8 2009
OFFICE OF PETITIONS

In re Application of	:	
Kip Mussatt et al.	:	
Application No. 11/642,159	:	DECISION ON PETITION
Filed: December 20, 2006	:	
Attorney Docket No. 101950.00408	:	

This is a decision on the petitions under the unintentional provisions of 37 CFR 1.137(b), filed October 19, 2009 and November 16, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 10, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed June 10, 2009. Accordingly, the date of abandonment of this application is September 11, 2009. A Notice of Abandonment was mailed on October 6, 2009.

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

As to item (1), the issue and publication fees have not been paid. Credit card authorization was denied.

As to item (2), the petition fee of $810 was not submitted.

The letter submitted along with the petition on November 16, 2009 will be treated as a petition under 37 CFR 1.27(c). The petition is **ACCEPTED**. The application will no longer be treated as a large entity. Therefore the issue and publication fees due will be $755 and $300, respectively.

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

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

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

The centralized facsimile number is **(571) 273-8300.**

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

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Law Office of ROBERT C. KLINGER
2591 Dallas Parkway
Suite 300
FRISCO TX 75034

MAILED

MAR 26 2010

OFFICE OF PETITIONS

In re Application of	:	
Kip Mussatt et al.	:	
Application No. 11/642,159	:	DECISION ON PETITION
Filed: December 20, 2006	:	
Attorney Docket No. 101950.00408	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 1, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 10, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed June 10, 2009. Accordingly, the date of abandonment of this application is September 11, 2009. A Notice of Abandonment was mailed on October 6, 2009.

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

As to item (1), the issue and publication fees have not been paid. Credit card authorization was denied.

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

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

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

The centralized facsimile number is **(571) 273-8300.**

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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Suite 300
FRISCO TX 75034

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MAY 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Kip Mussatt et al.	:	
Application No. 11/642,159	:	DECISION ON PETITION
Filed: December 20, 2006	:	
Attorney Docket No. 101950.00408	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 10, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed June 10, 2009. Accordingly, the date of abandonment of this application is September 11, 2009. A Notice of Abandonment was mailed on October 6, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755 and the publication fee of $300, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

The petition decision mailed March 26, 2010 dismissed the petition filed on February 1, 2010 for failure to properly pay the issue and publication fees. The renewed petition includes a proper payment of the issue and publications fees.

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. They can be reached at 571-272-4200.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

Mail Date: 08/04/2010

Applicant	: Andrew Ballantyne	: DECISION ON REQUEST FOR
Patent Number	: 7646731	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/642,175	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **406** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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IV (TRANSMETA)
C/O MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE, CA 95113

Mail Date: 04/21/2010

Applicant	: Shingo Suzuki	: DECISION ON REQUEST FOR
Patent Number	: 7636023	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/642,187	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **112** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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IP SECTION, STEVEN E. ROSS
GARDERE WYNNE SEWELL LLP
3000 THANKSGIVING TOWER
1601 ELM STREET, SUITE 3000
DALLAS, TX 75201

Mail Date: 04/21/2010

Applicant	: Stephen M. Symonds	: DECISION ON REQUEST FOR
Patent Number	: 7588403	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/642,251	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **270** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SNELL & WILMER, L.L.P. (Main)
One Arizona Center
400 East Van Buren
Phoenix, AZ 8500-2202

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OFFICE OF PETITIONS

In re Application of	:	
Charles LORD	:	
Application No. 11/642,273	:	DECISION ON PETITION
Filed: December 19, 2006	:	
Attorney Docket No. 4978.3337	:	

This is a decision on the petition, filed January 13, 2009, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of April 14, 2008, which set a three (3) month shortened statutory period for reply. A three (3) month extension of time was filed. Accordingly, a reply was due on or before October 14, 2008.

Petitioner states that a timely reply was mailed via certificate of mailing on October 14, 2008, which included the following papers: a Terminal Disclaimer, an Information Disclosure Statement, an amendment and a request for extensions of time. Petitioner has submitted a copy of the correspondence, which bears a certificate of mailing dated October 14, 12008, which would have rendered the reply timely if received.

Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

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

after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

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

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). The previously submitted response of October 14, 2008, has been received and entered into the file. Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of April 14, 2008 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 2839 for appropriate action in the normal course of business on the reply received with petition.

Thurman K. Page

Thurman K. Page
Office of Petitions
Office of Petitions

FILED VIA EFS-WEB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Applicant(s):	Charles Lord	Docket No.:	49783.3337
Serial No.:	11/642,273	Group Art Unit:	2839
Filed:	December 19, 2006	Examiner:	Chandrika Prasad
Title:	**POWER CONVERTER CONNECTOR HAVING POWER RATING FOR PORTABLE ELECTRONIC DEVICES**	Confirmation No.:	2835

changes are acceptable.
/Tcp/ 7-15-10

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. § 1.323

Attn: Certificate of Correction Branch
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Pursuant to 37 C.F.R. § 1.323, Patentee hereby requests a Certificate of Correction be issued to correct errors in the claims of the issued patent. In accordance with the provisions of 37 C.F.R. § 1.323 of the Rules of Practice, approval of the attached Certificate of Correction for the above-identified patent is requested.

Claims 1, 7, 9, 11, 12, 17, 19, 21, 25, and 26 should be amended as follows:

In column 6, line 55, claim 1 should be amended as follows:

1. A power connection system, comprising:

a plurality of power connectors each having a first interface body portion adapted to couple to a common power source connector and each having a second interface adapted to connect to a portable electronic device; and

wherein different ones of the plurality of power connectors have different power ratings and different shaped said first interface body portions, wherein each <u>of</u> said first interface body portion is shaped as a function of the respective power connector power

rating.

In column 7, line 31, claim 7 should be amended as follows:

7. The electrical device connector as specified in claim 5 wherein the device connector power rating is commensurate with a power rating of [[a]] the portable electronic device adapted to be coupled thereto.

In column 7, line 36, claim 9 should be amended as follows:

9. The electrical device connector as specified in ~~claim 5~~ claim 8 wherein the electrical component comprises a resistor.

In column 7, line 42, claim 11 should be amended as follows:

11. The electrical device connector as specified in ~~claim 5~~ claim 10 wherein the keyed portion comprises a lobe.

In column 7, line 53, claim 12 should be amended as follows:

12. In Combination;

a first connector having a first power rating and having a plurality of conductors terminating at a first interface;

at least one second connector having a body and a respective second power rating and having a plurality of conductors terminating at a respective second interface, wherein each of the second connectors has a third interface adapted to couple to a portable electronic device; and

wherein ~~each of the at least one~~ the first interface is shaped so as to mechanically and electrically couple to each of the second connector bodies, such that only those second connectors having a power rating at or below the power rating of the first connector can be coupled thereto.

In column 8, lines 7-8, claim 17 should be amended as follows:

17. An electrical device connector adapted to couple to a portable electronic device, comprising:

a connector body having a plurality of conductors terminating at a first interface, and the connector body having a plurality of conductors terminating at a second interface configured to couple to the portable electronic device;

wherein the device connector is rated at a predetermined power rating, and the connector body is configured to be backward compatible with only a power source connector power rated at a wattage being at least as high as the device connector power rating.

In column 8, line 23, claim 19 should be amended as follows:

19. The electrical device connector as specified in claim 17 wherein the device connector power rating is commensurate with a power rating of [[a]] the portable electronic device adapted to be coupled thereto.

In column 8, line 28, claim 21 should be amended as follows:

21. The electrical device connector as specified in ~~claim 17~~ claim 20 wherein the electrical component comprises a resistor.

In column 8, line 51, claim 25 should be amended as follows:

25. The first connector as specified in claim 24 wherein [[the]] each of the at least one second connectors bodies are shaped such that they are backward compatible with the first connector.

In column 8, line 57, claim 26 should be amended as follows:

26. The first connector as specified in claim 24 wherein the first connector first interface is shaped such that it is backward compatible with the ~~plurality of~~ at least one second connector bodies.

Applicant notes that the changes correct an antecedent basis errors and claim dependence errors. For these reasons, it is believed that a certificate of correction is appropriate and would not constitute new matter or require reexamination.

The Commissioner is hereby authorized to charge any fees under 37 CFR §1.323 or any other fees, which may be required, or credit any overpayment, to Deposit Account No. **19-2814**.

If there are any questions or unresolved issues, the undersigned would welcome a telephone call to the number shown below.

Respectfully submitted,

Dated: June 28, 2010

By Adam J. Stegge
Adam J. Stegge
Reg. No. 63,297

SNELL & WILMER L.L.P.
One Arizona Center
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Phoenix, AZ 85004-2202
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Email: astegge@swlaw.com

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,727,031

APPLICATION NO.: 11/642,273

ISSUE DATE : June 1, 2010

INVENTOR(S) : Charles Lord

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

In column 6, line 55, claim 1 should read as follows:

1. A power connection system, comprising:
a plurality of power connectors each having a first interface body portion adapted to couple to a common power source connector and each having a second interface adapted to connect to a portable electronic device; and wherein different ones of the plurality of power connectors have different power ratings and different shaped said first interface body portions, wherein each of said first interface body portion is shaped as a function of the respective power connector power rating.

In column 7, line 31, claim 7 should read as follows:
7. The electrical device connector as specified in claim 5 wherein the device connector power rating is commensurate with a power rating of the portable electronic device adapted to be coupled thereto.

In column 7, line 36, claim 9 should read as follows:
9. The electrical device connector as specified in claim 8 wherein the electrical component comprises a resistor.

In column 7, line 42, claim 11 should read as follows:
11. The electrical device connector as specified in claim 10 wherein the keyed portion comprises a lobe.

In column 7, line 53, claim 12 should read as follows:
12. In Combination;
a first connector having a first power rating and having a plurality of conductors terminating at a first interface; at least one second connector having a body and a respective second power rating and having a plurality of conductors terminating at a respective second interface, wherein each of the second connectors has a third interface adapted to couple to a portable electronic device; and
wherein the first interface is shaped so as to mechanically and electrically couple to each of the second connector bodies, such that only those second connectors having a power rating at or below the power rating of the first connector can be coupled thereto.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,727,031

APPLICATION NO.: 11/642,273

ISSUE DATE : June 1, 2010

INVENTOR(S) : Charles Lord

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

In column 8, lines 7-8, claim 17 should read as follows:
17. An electrical device connector adapted to couple to a portable electronic device, comprising:
a connector body having a plurality of conductors terminating at a first interface, and the connector body having a plurality of conductors terminating at a second interface configured to couple to the portable electronic device; wherein the device connector is rated at a predetermined power rating, and the connector body is configured to be backward compatible with only a power source connector power rated at a wattage being at least as high as the device connector power rating.

In column 8, line 23, claim 19 should read as follows:
19. The electrical device connector as specified in claim 17 wherein the device connector power rating is commensurate with a power rating of the portable electronic device adapted to be coupled thereto.

In column 8, line 28, claim 21 should read as follows:
21. The electrical device connector as specified in claim 20 wherein the electrical component comprises a resistor.

In column 8, line 51, claim 25 should read as follows:
25. The first connector as specified in claim 24 wherein each of the at least one second connectors bodies are shaped such that they are backward compatible with the first connector.

In column 8, line 57, claim 26 should read as follows:

26. The first connector as specified in claim 24 wherein the first connector first interface is shaped such that it is backward compatible with the at least one second connector bodies.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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APR 07 2008

OFFICE OF PETITIONS

In re Application of

Lawrence M. Logsdon
Application No. 11/642,279
Filed: December 20, 2006
Attorney Docket No. 1100-5001

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 12, 2008.

The request is **APPROVED**.

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

The request was signed by Kenneth W. Float on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

The correspondence address has been changed and is copied below.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Lawrence M. Logsdon
Tropical Functional Labs
7111 Arlington Avenue
Ste. F
Riverside, CA 92503

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/642,279	12/20/2006	Lawrence M. Logsdon	1100-5001

CONFIRMATION NO. 9161

POWER OF ATTORNEY NOTICE

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

OC000000029263522

Date Mailed: 04/04/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/12/2008.

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

/kainabinet/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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INTEL CORPORATION
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS, MN 55402

Mail Date: 08/04/2010

Applicant	: Vinodh Gopal	: DECISION ON REQUEST FOR
Patent Number	: 7664915	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/642,315	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **486** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

MAILED

APR 26 2010

OFFICE OF PETITIONS

In re Application of	:	
Tadao Yamaguchi et al	:	
Application No. 11/642,353	:	ON PETITION
Filed: December 20, 2006	:	
Attorney Docket No. F-9252	:	

This is a decision on the petition filed December 29, 2009 which is being treated under the unavoidable provisions of 37 CFR 1.137(a), or, alternatively under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

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

The petition under 37 CFR 1.137(b) is **DISMISSED** as Moot.

The application became abandoned for failure to reply in a timely manner to the nonfinal rejection mailed April 22, 2009.

Petitioner states that a reply (in the form of an amendment) to the nonfinal rejection mailed April 22, 2009, was timely submitted on June 1, 2009. Petitioner further states that the amendment incorrectly referenced Application No. 12/311,238 instead of the correct Application No. 11/642,353. A review of Office records indicates receipt of the above.

As to the petition under 37 CFR 1.137(a):

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of an amendment; (2) the petition fee of $540.00; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable.

As to the petition under 37 CFR 1.137(b):

The petition under 37 CFR 1.137(b), is dismissed as moot in view of the granting of the petition under 37 CFR 1.137(a), to revive the above-identified application.

This application is being referred to Technology Center AU 2834 for appropriate action by the Examiner in the normal course of business on the reply received December 29, 2009.

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 07/16/2010

Applicant	: Brian D. Hutsell	: DECISION ON REQUEST FOR
Patent Number	: 7647467	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/642,368	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **493** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Morrison & Foerster, LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

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MAY 19 2008

In re Application of	:	
Ilwhan Park et al.	:	
Application No. 11/642,385	:	DECISION ON PETITION
Filed: December 19, 2006	:	TO WITHDRAW
Attorney Docket No. 602672000700	:	FROM RECORD
	:	

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** as moot.

A review of the file record indicates that the power of attorney to Thomas E. Ciotti and all attorneys/agents of record has been revoked by the assignee of the patent application on December 3, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Dorsey & Whitney, LLP
Intellectual Property Department
370 Seventeenth Street
Suite 4700
Denver, CO 80202-5647

Attorney Docket No.:P45237US00GP

OIPE IAP2
FEB 0 5 2007
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matthew Suraci, and A.J. Suraci
Art Unit: 1714
Examiner: Not Assigned
Serial No.: 11/642,402
Filed: 12-20-2006
Title: **NOVEL SINGLE PHASE HYDROUS HYDROCARBON-BASED FUEL, METHODS FOR PRODUCING THE SAME AND COMPOSITIONS FOR USE IN SUCH METHOD**

Assistant Commissioner for Patents
Washington, DC 20231

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

Dear Sir/Madam:

Please consider this petition for advancing the examination of this application out of turn pursuant to the requirements set for in 37 C.F.R. 1.102(c). Specifically, the inventor, A. J. Suraci, is more than 65 years of age. This petition is supported by an affidavit of A. J. Suraci that is included as Appendix A.

Please apply any additional fees or credits to deposit account #: 50-0954, reference #: P45237US00GP

Respectfully Submitted,

T. Gregory Peterson
Reg. No. 45,587
Date 2-5-07

Bradley Arant Rose & White LLP
One Federal Place
1819 Fifth Avenue North
Birmingham, AL 35203-2104

Telephone: (205) 521-8084
Facsimile: (205) 488-6084

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
MAR - 1 2007

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/642,412	12/19/2006	Roger Isaac	0180276	9411

25700 7590 10/16/2008
FARJAMI & FARJAMI LLP
26522 LA ALAMEDA AVENUE, SUITE 360
MISSION VIEJO, CA 92691

EXAMINER
BRAGDON, REGINALD GLENWOOD

ART UNIT	PAPER NUMBER
2189	

MAIL DATE	DELIVERY MODE
10/16/2008	PAPER

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

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

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Michael Farjami, Esq.
FARJAMI & FARJAMI LLP
26522 La Alameda Ave., Suite 360
Mission Viejo, CA 92691

In re Application of: Isaac et al.	)	
Application No. 11/642,412	)	*PETITION FILED UNDER **37 CFR** **1.48(a)** TO ADD AN INVENTOR TO THE APPLICATION*
Attorney Docket No. 0180276	)	
Filed: December 19, 2006	)	
For: SYSTEM AND METHOD FOR	)	
MAINTAINING RAM COMMAND	)	
TIMING ACROSS PHASE-SHIFTED TIME	)	
DOMAINS	)	

In the papers filed on August 27, 2007, the applicants submitted a petition under 37 CFR 1.48(a) requesting correction of the inventorship. In the petition, the applicants requested that Mr. Qamrul Hasan be added as one of the inventors of the instant application. The petition included the following information in support of the petition:

(1) A request to correct the inventorship setting forth the desired inventorship change;
(2) Statements from Mr. Roger Isaac, Mr. Stephan Rosner, and Mr. Qamrul Hasan that the error in inventorship occurred without deceptive intention on their part.
(3) An oath or declaration by the actual inventors as required by § 1.63;
(4) The processing fee set forth in § 1.17(i); and
(5) The written consent of the assignee (see § 3.73(b)).

A review of the application reveals that the papers filed August 27, 2007, sufficiently establish that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding Mr. Qamrul Hasan as an inventor on the application.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

Inquiries to this decision may be directed to Primary Examiner Brian Peugh at (571) 272-4199.

/Brian R. Peugh/

Primary Examiner
Art Unit 2187
Technology Center 2100
Computer Architecture, Software, and Information Security

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Commissioner for Patents
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MORGAN, LEWIS & BOCKIUS LLP (SF)
ONE MARKET, SPEAR STREET TOWER
SUITE 2800
SAN FRANCISCO, CA 94105

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OFFICE OF PETITIONS

In re Application of
CASTLE, Neil A. et al.
Application No. 11/642,416
Filed: December 20, 2006
Attorney Docket No. **018512-013610US**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 01, 2008.

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

A review of the file record indicates that the power of attorney to Morgan, Lewis & Bockius LLP has been revoked by the assignee of the patent application on May 28, 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 Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **TOWNSEND AND TOWNSEND AND CREW, LLP**
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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OSHA LIANG LLP/Oracle
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

Mail Date: 04/20/2010

Applicant	: Darrin P. Johnson	: DECISION ON REQUEST FOR
Patent Number	: 7633864	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/642,427	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **398** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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OFFICE OF PETITIONS

In re Application of	:	
Takuya Yamamoto	:	
Application No. 11/642,488	:	ON PETITION
Filed: October 21, 2003	:	
Attorney Docket No. 25779K-018400US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on December 28, 2007, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed September 19, 2007. A Notice of Abandonment was mailed on January 24, 2008.

As authorized, $1,540 for treatment of the instant petition, $300 for the publication fee and $1,440 for payment of the issue fee have been charged to petitioner's deposit account.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $1,440 for payment of the issue fee and $300 for payment of the publication fee; (2) the petition fee of $1,540; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD, SUITE 370
ALEXANDRIA VA 22314

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DEC 05 2008

In re Application of	:	
Kentaro Shimada et al	:	
Application No. 11/642,510	:	DECISION GRANTING PETITION
Filed: December 21, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. ASA-5051-03	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 4, 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 21, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2189 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/642,547	12/21/2006	Hee Baeg An	122991-06150128	2486

7590 12/04/2008
LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
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EXAMINER
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ART UNIT	PAPER NUMBER
2873	

MAIL DATE	DELIVERY MODE
12/04/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 12/05/2008 BPOWELL
12/26/2006 DEMMANU1 00000034 11642547
02 FC:1111 -500.00 OP

Adjustment date: 12/05/2008 BPOWELL
12/26/2006 DEMMANU1 00000034 11642547
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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

MICHAEL S. HARGETT
670 IDYLWOOD DR. S.E..
SALEM OR 97302

COPY MAILED

AUG 1 8 2008

OFFICE OF PETITIONS

In re Application of
Michael Steven Hargett
Application No. 11/642,564
Filed: December 21, 2006
Attorney Docket No.

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed on June 3, 2008.

The petition is **DISMISSED**.

The record reflects that a Notice to File Corrected Application Papers (the "Notice") mailed January 26, 2007, allowing a shortened period for reply of two months from its mailing date. A response was filed on March 27, 2007. The response was not accompanied by a request for an extension of time within the first month which would have been necessary in order for the response to be considered timely. The application became abandoned on March 27, 2007. A Notice of Abandonment was mailed on May 6, 2008.

Petitioner maintains that the response was deposited with the United States Postal Service on March 24, 2007, and should, therefore, be considered a timely reply to the Notice.

Section 711.03 of the *Manual of Patent Examining Procedure* provides guidance where, as in this case, petitioner is arguing that a timely response to the Office action was mailed and provides, in pertinent part, that:

> 37 CFR 1.10(c) through 1.10(e) >and 1.10(g)< set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 CFR 1.10(c), (d), * (e)>, or (g)< (see MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
>
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of

abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).

37 CFR 1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 CFR 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP § 512.

The above-cited section of the MPEP explains that in order for correspondence to receive a filing date as of the date of deposit with the United States Postal Service (USPS), the correspondence must either be mailed via USPS Express Mail, or the correspondence must contain a proper certificate of mailing pursuant to 37 CFR 1.8. Correspondence may also receive the date of the receipt with the USPTO if petitioner provides an itemized Office date-stamped postcard whereby the USPTO acknowledges receipt of the item mailed. There is no evidence that petitioner used the procedures provided in 37 CFR 1.8 and 1.10, which, if properly utilized, would allow a filing to be accorded a filing date as of the date mailed or deposited, respectively, rather than the date the filing was received by the Office. The certificate of mailing procedures under 37 CFR 1.8 allow for a filing date to be accorded as of the date the filing was mailed rather than the date the filing was received by the Office provided the procedures set out in 37 CFR 1.8 are followed and the filing is not excepted under 37 CFR 1.8(2)(i). The procedures under 37 CFR 1.10 allow correspondence deposited with the United States Postal Service Express Mail Service pursuant to 37 CFR 1.10 to be accorded a filing date as of the date-in shown on the Express Mail label rather than the date the filing was received by the Office. Filings made by any other mail service, i.e., first class postage, USPS certified mail, FEDEX, Priority Mail, will not receive the benefit of 37 CFR 1.10.

The holding of abandonment will not be withdrawn because petitioner has not provided *prima facie* evidence that the response filed March 27, 2007, was deposited with the USPS Express Mail Service within the period for reply, and has not provided a certificate of mailing pursuant to 37 CFR 1.8, or an USPTO date-stamped postcard showing that the response was filed or deposited in the mail on, or before, March 26, 2007. The petition is dismissed accordingly.

It is also noted that petitioner states that petitioner paid for an extension of time within the first month on May 28, 2008, which, presumably, petitioner believed would be retroactively application to the March 27, 2007, response to make it timely. A review of the application file records did not reveal any monies for a request for extension of time within the first month paid on, or about, May 28, 2008. Further, an extension of time cannot be applied retroactively. The extension of time must be obtained within the maximum extendable period for reply which, in this case, expired August 27, 2007.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee ($1540.00 for a large entity and $770.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: FORM PTO/SB/64

PTO/SB/64 (08-08)
Approved for use through 08/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

Enclosures:
☐ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MICHAEL S. HARGETT
670 IDYLWOOD DR. S.E..
SALEM OR 97302

COPY MAILED
DEC 04 2008

In re Application of :
Michael Steven Hargett :
Application No.: 11/642,564 : ON PETITION
Filed: December 21, 2006 :
Attorney Docket No: :

This is in response to the petition under 37 CFR 1.137(b) filed October 31, 2008.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.137(b)."

This application became abandoned on March 27, 2007, for failure to file a timely reply to the Notice to File Corrected Application Papers mailed January 26, 2007. The notice set forth an extendable period for reply of two months from its mailing date. A response was not received within the allowable period and the application became abandoned on March 27, 2007. A Notice of Abandonment was mailed on May 6, 2008.

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

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

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

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

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

The instant petition does not satisfy the requirements of item (2) above.

Effective October 2, 2008, the fee for the instant petition is $810.00 (small entity). The instant petition was filed on October 31, 2008, an included the amount of $770.00—which was the petition fee prior to October 2, 2008. The renewed petition should be accompanied by the amount of $40.00 which will be

credited to the $770.00 previously remitted for the petition fee. A petition form is enclosed for petitioner's convenience.

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

By mail:

Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure FORM PTO/SB/64

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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MAR 16 2009

OFFICE OF PETITIONS

MICHAEL S. HARGETT
670 IDYLWOOD DR. S.E..
SALEM OR 97302

In re Application of :
Michael Steven Hargett :
Application No.: 11/642,564 : ON PETITION
Filed: December 21, 2006 :
Attorney Docket No: :

This is in response to the renewed petition under 37 CFR 1.137(b) filed March 2, 2009.

This application became abandoned on March 27, 2007, for failure to file a timely reply to the Notice to File Corrected Application Papers mailed January 26, 2007. The notice set forth an extendable period for reply of two months from its mailing date. A response was not received within the allowable period and the application became abandoned on March 27, 2007. A Notice of Abandonment was mailed on May 6, 2008.

The substitute specification filed March 27, 2007, is noted.

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

Mail Date: 04/20/2010

Applicant	: Richard A. Schumacher	: DECISION ON REQUEST FOR
Patent Number	: 7655802	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/642,592	: 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 **43** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

PROSKAUER ROSE LLP
One International Place
Boston MA 02110

MAILED

JUN 23 2010

OFFICE OF PETITIONS

In re Application of Achim Knappik, et al. Application No. 11/642,593 Filed: December 21, 2006 Attorney Docket No. 49981-001D5	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed May 14, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address 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.* 37 CFR 3.71(c) states:

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

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the 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).

Also, all certification boxes must be checked on the request to withdraw from record form. Box 1 was left unchecked.

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **PERKINS COIE LLP**
607 FOURTEENTH STREET, NW
WASHINGTON, DC 20005

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

11/24/09

Patent No. :7611808
Inventor(s) :MASAO USHIDA, et al.
Issued : 11/3/2009
Title : INTERNET SECURITY ANALYSIS SYSTEM AND PROCESS
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals claim 5 is printed in accordance with the record please show evidence of supporting data or amendment. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

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

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

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVE, NW
WASHINGTON, DC 20037-3213

HR

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

DAVIDSON BERQUIST JACKSON
& GOWDEY LLP
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON VA 22203

MAILED

JAN 15 2010

OFFICE OF PETITIONS

In re Application of	:	
Gary W. SHELTON, et al	:	
Application No. 11/642,641	:	DECISION ON PETITION
Filed: December 21, 2006	:	
Attorney Docket No. 2540-1003	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before November 20, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed August 20, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on November 21, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue Fee of $1510 and Publication Fee of $300; (2) the petition fee of $1620; and (3) the required statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/642,642	12/21/2006	Yoshihiro Okada	130706	3052

7590 11/18/2008
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
VU, NGOC YEN T

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
11/18/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
11/18/2008 NFARMER 0000165183

CHECK Refund Total: $500.00

Adjustment date: 11/18/2008 NFARMER
12/22/2006 EAYALEW1 00000063 11642642
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/642,648	12/21/2006	Makoto Shibata	04329.4076-00000	3054

7590 03/15/2010
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
BANKS HAROLD, MARSHA DENISE

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
03/15/2010	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.

Nioni Farmer

Patent Publication Branch
Office of Data Management

[illegible]

Adjustment date: 03/15/2010 NFARMER
12/22/2006 EAYALEW1 00000066 11642648
02 FC:1111 -500.00 CP

FORM PET651G (Rev. 08/07)

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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DEC 0 2 2009

GREENBLUM & BERTSTEIN, P.L.C.
1950 ROLDAN CLARKE PLACE
RESTON, VA 20191

In re Application of	:	
David Adamczewski et al.	:	DECISION ON PETITION
Application No. 11/642,718	:	REGARDING REQUEST TO
Filed: December 21, 2006	:	WITHDRAW FINALITY
For: GLIDING OR ROLLING BOARD	:	UNDER 37 CFR 1.181

This is in response to applicants' petition under 37 CFR 1.181 filed March 24, 2009 requesting withdrawal of the finality of the Office action mailed January 23, 2009 as being premature. The delay in treating this petition is regretted.

The petition is **DISMISSED as MOOT.**

A review of the record reveals that a final Office action was mailed January 23, 2009. Applicants filed a Notice of Appeal, including the necessary extension of time fees, on July 23, 2009. Concurrently with the Notice of Appeal, applicants also filed a Pre-Appeal Brief Request requesting review of the final rejection of claims 1-15 set forth in the January 23, 2009 Office action. A Notice of Panel Decision from Pre-Appeal Brief Review was mailed August 31, 2009. The Panel Decision indicates that the rejection "is withdrawn and a new Office action will be mailed". A further review of the file record reveals that on November 27, 2009, the Examiner withdrew the finality of the action dated January 23, 2009 and issued a new final Office action. Accordingly, applicant's petition to withdraw the finality of the January 23, 2009 Office action is dismissed as moot.

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(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.181."

Any inquiries regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045

Fredrick Schmidt, Director
Patent Technology Center 3600
(571) 272-5150
FS/tl: 11/27/09

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www.uspto.gov

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 04/20/2010

Applicant	: Matthew George Tyler	: DECISION ON REQUEST FOR
Patent Number	: 7654903	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/642,722	: 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 **357** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON DC 20005

MAILED

JUL 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Roodnick et al.	:	DECISION ON PETITION
Application No. 11/642,738	:	TO WITHDRAW
Filed: December 21, 2006	:	FROM RECORD
Attorney Docket No. VTX0335-US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 29, 2010.

The request is **NOT APPROVED.**

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

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

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw. Further, according to a review of current USPTO records petitioner has not recognized the current recorded assignee concerning the above-identified application or the first listed inventor. VTech Communications Limited is not the current assignee of the above-identified application. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

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.
11/642,762	12/21/2006	Mamoru Takahashi	5248-043-US01	2123

7590 02/18/2009
HANIFY & KING PROFESSIONAL CORPORATION
1875 K STREET, NW
SUITE 707
WASHINGTON, DC 20006

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
02/18/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 02/18/2009 BPOWELL
12/26/2006 RMEBRAHT 00000049 195127 11642762
02 FC:1111 500.00 CR
04 FC:1201 200.00 CR

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 07/16/2010

Applicant	: Stefan Simon Gustaaf Moriau	: DECISION ON REQUEST FOR
Patent Number	: 7644555	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/642,778	: 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 **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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BRIDGESTONE AMERICAS, INC.
1200 FIRESTONE PARKWAY
AKRON, OH 44317

MAILED

JUN 25 2009

OFFICE OF PETITIONS

In re Application of	:	
James P. Kleckner, et al.	:	
Application No. 11/642,795	:	DECISION GRANTING PETITION
Filed: December 20, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. P06021US1ABFNT	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 24, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 28, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1796 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/642,842	12/21/2006	Sung-tack Byun	51381	1986

7590 02/18/2009
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER
LEE, SUSAN SHUK YIN

ART UNIT	PAPER NUMBER
2852	

MAIL DATE	DELIVERY MODE
02/18/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
02/19/2009 NFARMER 0000166189

CHECK Refund Total: $1700.00

Adjustment date: 02/19/2009 NFARMER
12/26/2006 MBELETE1 00000006 11642842
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP
05 FC:1202 -1000.00 OP

FORM PET651G (Rev. 08/07)

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET, NW
WASHINGTON, DC 20006

Mail Date: 04/21/2010

Applicant	: John Ladd	: DECISION ON REQUEST FOR
Patent Number	: 7642107	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/642,868	: 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 **295** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Mail Date: 06/15/2010

Applicant	: Yoshihisa Ieda	: DECISION ON REQUEST FOR
Patent Number	: 7665591	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/642,869	: 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 **508** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/642,880	12/21/2006	Hyun-Su Lee	8733.1836.00	2142

30827 7590 12/31/2008
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER
TSO, LAURA K

ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
12/31/2008	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS, TX 75380

In re Application of: Urs Duerig et al. Serial No.: 12/208,903 Filed: September 11, 2008 Docket No.: CH920080010US1 Title: USE OF POLYMER ROUGHNESS FINGERPRINT FOR SAMPLE ALIGNMENT	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 December 3, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102.

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.

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) 272-1569.

Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

JD/JC

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/642,880	12/21/2006	Hyun-Su Lee	8733.1836.00	2142

30827 7590 01/23/2009
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER
TSO, LAURA K

ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
01/23/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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McKenna, Long & Aldridge LLP
1900 K Street, NW
Washington DC 2006

In re Application of:	:	
Hyun-Su LEE	:	NOTICE OF WITHDRAWAL
Application No. 11/642,880	:	FROM ISSUE
Filed: December 21, 2006	:	UNDER 37 CFR 1.313
Attorney Docket No.	:	
8733.1836.00		

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, are hereby vacated.

The application is being withdrawn to permit reopening of prosecution. The reasons therefor will be communicated to you by the examiner.

If the issue fee has been submitted, the applicant may request a refund, or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and 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, applicant may request either a refund or a credit to a Deposit Account.

Telephone inquires should be directed to Sandra L. O'Shea at (571) 272-2378.

The above-identified application is being forwarded to the examiner for prompt appropriate action.

Richard K. Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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THE FIRM OF HUESCHEN AND SAGE
SEVENTH FLOOR, KALAMAZOO BUILDING
107 WEST MICHIGAN AVENUE
KALAMAZOO MI 49007

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MAR 0 5 2007

OFFICE OF PETITIONS

In re Application of :
BENATAR et al. :
Application No.: 11/642,899 : DECISION
Attorney's Docket No.: SERVIER 511 :

This decision is in response to applicants' submission filed 05 February 2007, which has properly been treated as a petition under 37 CFR 1.10(c).

The petition under 37 CFR 1.10(c) requesting that the application papers be accorded a receipt date of 20 December 2006 is **GRANTED** for the reasons set forth below.

On 05 February 2007, applicant submitted the instant petition under 37 CFR 1.10(c) which was accompanied by, *inter alia*, a printout from the United States Postal Service (USPS) Track & Confirm database for Express Mail mailing label number EV757928499US. The printout indicates that the correspondence was "Enroute" on 20 December 2006.

The evidence of record is sufficient to establish with reasonable certainty that the application papers were deposited with the United States Postal Service as an "Express Mail Post Office to Addressee" mailing no later than 20 December 2006. Specifically, the "Express Mail" label number ("EV757928499US") appears on the transmittal letter, which also refers to, *inter alia*, a patent application and lists the above-identified attorney docket number. The USPS Track & Confirm database establishes that the correspondence was deposited with the USPS no later than 20 December 2006.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **20 December 2006** and preparing and mailing a corrected Filing Receipt.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3301.

Daniel Stemmer
Legal Examiner
Office of the Deputy Commissioner
for Patent Examination Policy

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

Mail Date: 08/02/2010

Applicant	: Paul Hodgins	: DECISION ON REQUEST FOR
Patent Number	: RE41091	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/642,941	: OF WYETH
Filed	: 12/20/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/642,949	12/20/2006	Bo Zhao	9294-000001

CONFIRMATION NO.
9704

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

Date Mailed: June 26, 2007

Decision Dismissing Petition under 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

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

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

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

4. ☐ Petition fee was not paid.

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

Telephone inquiries should be directed Office of Patent Publication, Pre-Grant Publication Division, 703-605-4283.

Barbara J. Debnam
Office of Patent Publication
Pre-Grant Publication Division

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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JUL 24 2009

OFFICE OF PETITIONS

In re Application of	:
Clinton et al.	:
Application No. 11/642,968	: DECISION ON PETITION
Filed: December 21, 2006	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. GRT/4504-16	: UNDER 37 CFR 1.78(a)(6)

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed May 20, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed Application Data Sheet (ADS).

The petition is **DISMISSED**.

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

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

Petitioner is requesting to correct a typographical error in the original specification. Petitioner erroneously listed provisional Application 60/752,475 in the original specification, rather than the proper application, provisional Application No. 60/752,745.

The instant pending nonprovisional application was filed on December 21, 2006, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/752,745, which was filed on December 21, 2005, 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.

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in

37 CFR 1.78(a)(5)(ii). Also, the reference to the prior-filed provisional application was submitted during the pendency of the nonprovisional application for which the benefit is sought. See 35 U.S.C. §119(e). Accordingly, having found that the instant petition satisfies the conditions of 37 CFR 1.78(a)(6) for acceptance of an unintentionally delayed claim for priority under 35 U.S.C. §119(e), the petition to accept an unintentionally delayed claim of benefit to prior-filed provisional Application No. 60/60/752,745 is granted.

However, the instant petition does not comply with item (1) above with regards to nonprovisional Application No. 11/624,970.

As discussed in MPEP 201.11, the later-filed application must be filed by an inventor or inventors named in the prior-filed application for a benefit claim under 35 U.S.C. 120. There are no common inventors in the instant application and 11/624,970. Further, the information provided in the ADS concerning Application No. 11/624,970 (i.e. filing date) does not match the information found in USPTO records.

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, a substitute amendment[1] identifying a proper nonprovisional application, along with a renewed petition under 37 CFR 1.78(a)(3), is required. No further petition fee is required.

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

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

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

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

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

[1] *Note* 37 CFR 1.121

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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

Mail Date: 04/20/2010

Applicant	: Christophe Bouchy	: DECISION ON REQUEST FOR
Patent Number	: 7645376	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/642,973	: 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 **230** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

Mail Date: 04/21/2010

Applicant	: Masaki Koike	: DECISION ON REQUEST FOR
Patent Number	: 7638978	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/642,980	: 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 **281** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

Mail Date: 05/18/2010

Applicant : Masaki Koike
Patent Number : 7638978
Issue Date : 12/29/2009
Application No : 11/642,980
Filed : 12/21/2006

: 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 **357** 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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BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND CA 94612-0250

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OFFICE OF PETITIONS

In re Application of	:	
ODA, Mikio et al.	:	
Application No. 11/642,981	:	DECISION ON PETITION
Filed: December 19, 2006	:	TO WITHDRAW
Attorney Docket No. **OMRNP141/D1138US**	:	FROM RECORD
	:	

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 07, 2008.

The request is **APPROVED**.

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

The request was signed by James E. Austin on behalf of all attorneys of record who are associated with customer No. 22434. Haruo Yawata has been withdrawn as attorney/agent; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There are no outstanding Office actions at this time.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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SJM/AFD-WILEY
Legal Department
One St. Jude Medical Drive
St. Paul, MN 55117-9913

Mail Date: 04/21/2010

Applicant	: John W. Sliwa JR.	: DECISION ON REQUEST FOR
Patent Number	: 7600410	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/642,989	: 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 **473** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

ROPES & GRAY LLP
PATENT DOCKETING 39/41
ONE INTERNATIONAL PLACE
BOSTON MA 02110-2624

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APR 22 2009

OFFICE OF PETITIONS

Applicant: Hill
Appl. No.: 11/642,992
Filing Date: December 19, 2006
Title: METHODS AND SYSTEMS FOR THE DELIVERY OF CORTICOSTEROIDS
Attorney Docket No.: ASZD-111-101
Pub. No.: US 2007/0197486 A1
Pub. Date: August 23, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 23, 2007, for the above-identified application. Applicant requests that the application be republished because the patent application publication contains material error in containing "pg" rather than "ug" in claim 1.

The request is DISMISSED.

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 claim of the publication is not a material Office error under 37 CFR 1.221. The patent application publication was published with "pg" rather than "ug" in claim 1. The error is due to the quality of the text, which is not clear due to the size, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52 and PCT Rule 11.9(d)(1). Note that the specification, dependent claims 10 and 11, and other claims all properly contain "ug", and no other part of the disclosure refers to "pg", thus pointing to a typographical error in claim 1.

Applicant is advised that he may want to file application papers that are clearer, as the error is due to the quality of the text. The text is very small, which makes it difficult to read and to

[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).

electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52 and PCT Rule 11.9(d)(1).

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

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

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

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, Legal Advisor, at (571) 272-7700, or 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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HOLME ROBERTS & OWEN, LLP
299 SOUTH MAIN
SUITE 1800
SALT LAKE CITY UT 84111

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OCT 25 2007

OFFICE OF PETITIONS

In re Patent of	:	
Brett M. Mundell	:	
Application No. 11/643012	:	ON PETITION
Filed: 12/19/2006	:	
Attorney Docket Number: 50585-01021	:	

This is a Decision on the "Request for Withdrawal of Petition for Revival for Unintentional Abandonment and Request for Refund," filed August 2, 2007. The petition is properly treated under 37 C.F.R. §§ 1.181.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application was filed on December 19, 2006. On January 23, 2007, this Office mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice"), informing Applicant that the statutory basic filing fee was missing, and the oath/declaration was unsigned. The Notice also required replacement drawings in compliance with 37 CFR §§ 1.84 and 1.121(d).

Applicant filed a reply to the Notice on June 25, 2007, The reply included the basic filing fee; an oath and dreclaration and replacement drawings; however, the drawings were not in compliance with 37 CFR §§ 1.84 and 1.121(d).

Applicant was so notified in a Notice of Incomplete Reply (Nonprovisional), mailed July 2, 2007. The Notice of Incomplete Reply informed Applicant that the period for reply remained as set forth in the Notice (mailed January 23, 2007).

In response to the Notice of incomplete Reply Applicant filed a petition to revive the application under 37 CFR 1.137(b) on August 1, 2007. The petition included the petition fee ($750.00); replacement drawings, and also included a petition for a five (5) month extension of time and fee ($1,080.00).

The present petition

Applicant files the present petition to withdraw the August 1, 2007 petition to revive, and to request a refund of the petition fee. Applicant correctly notes that the Notice, which set a two (2) month period for reply set forth in the Notice is not a statutory period and, as such, the period for reply may be extended up to five (5) months. In the present case the period of reply, including a five (5) month extension of time, would extend the reply period to August 23, 2007. As such, the petition to revive filed August 1, 2007 was unnecessary, as the application was not abandoned, in view of the five (5) month extension of time filed with the petition and reply. Accordingly, Applicant requests withdrawal of the petition and a refund of the petition fee.

Applicant also requests a refund of the extension of time fees paid with the filing of the reply to the Notice on June 25, 2007. Applicant avers that, because the submission of the reply with the petition on August 1, 2007 included a five month extension of time and fee, the previously-submitted three (3) month extension of time and fee paid June 25, 2007 was duplicated.

STATUTE, REGULATION, AND EXAMINING PROCEDURE

35 U.S.C. § 41, Patent fees; patent and trademark search systems, states in pertinent part:

(a) The Director shall charge the following fees:

> (7) REVIVAL FEES — On filing each petition for the revival of an unintentionally abandoned application for a patent, for the unintentionally delayed payment of the fee for issuing each patent, or for an unintentionally delayed response by the patent owner in any reexamination proceeding, $1,500, unless the petition is filed under section 133 or 151 of this title, in which case the fee shall be $500.
>
> (8) EXTENSION FEES. — For petitions for 1-month extensions of time to take actions required by the Director in an application —
> (A) on filing a first petition, $120;
> (B) on filing a second petition, $330; and
> (C) on filing a third or subsequent petition, $570.

35 USC § 42(d) provides that:

> The Commissioner may refund any fee paid by mistake or any amount paid in excess of that required.

37 CFR 1.26(a) states in pertinent part that:

The Director may refund any fee paid by actual mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for oral hearing, will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payer of such amounts.

OPINION

The applicable statute, 35 USC 42(d), authorizes the Commissioner to refund "any fee paid by mistake or any amount paid in excess of that required." Thus, the Patent and Trademark Office (PTO) may refund: (1) a fee paid when no fee is required (*i.e.*, a fee paid by mistake), or (2) any fee paid in excess of the amount of the fee that is required. See Ex Parte Grady, 59 USPQ 276, 277 (Comm'r Pats. 1943)(the statutory authorization for the refund of fees is applicable only to a mistake relating to the fee payment). In the situation in which an applicant or patentee takes an action "by mistake" (e.g., files an application "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application) is not a "fee paid by mistake" within the meaning of 35 U.S.C. § 42(d).

The Director is required, under 35 U.S.C. § 41, to charge a fee for a petition for the revival of an unintentionally abandoned application for a patent.

A review of the application as-filed reveals that a reply to the Notice was filed on June 25, 2007, and included the requisite extension of time fee. Also, a petition for the revival of an unintentionally abandoned application for a patent was filed August 8, 2007, and included the requisite petition fee.

Here, the applicable regulation, 37 CFR 1.26, requires that the money had to be paid by actual mistake, for a refund to be authorized. The mistake, however, must clearly be in relation to the payment itself in order to be refundable. Grady, supra. Rather, the amount paid herein was owed at the time it was paid, and it was paid by the representative of the applicant. Such is not a mistake within the meaning of the aforementioned statute and regulation that warrants a refund.

In this regard, there was no mistake relating to the payment itself. Petitioner is reminded that the use of "shall" appears in 35 U.S.C. § 41 pertaining to collection of fees upon the filing of a petition for the revival of an unintentionally abandoned application with the PTO. It is well settled that the use of "shall" in a statute is the language of command, and where the directions of a statute are mandatory, strict compliance with the statutory terms is essential. Farrel Corp. v. U.S. Int'l Trade Comm'n, 942 F.2d 1147, 20 USPQ2d 1912 (Fed. Cir. 1991). That is, it is mandatory that the Director charge, and the applicant pay, the fees specified by statute upon presentation of a request for a service by the PTO. See BEC Pressure Controls Corp. v. Dwyer Instruments, Inc., 380 F.Supp. 1397, 1399, 182 USPQ 190, 192 (N.D. Ind. 1974). As such, the petition fee was due when such was submitted to the PTO on April 15, 2005, and was paid in the correct amount. Id. The language of the statute does not permit the Director any discretion with respect to charging the fees set forth therein. Id.

That Applicant may have erred in presenting the petition to the PTO does not warrant a finding that the payment was made "by mistake." Rather, the fee was owed at the time it was paid. As noted in 37 CFR 1.26(a), petitioner's change of purpose does not constitute a "mistake" in payment warranting refund of the fees previously paid. The payment of the fee automatically was due, by statute, when petitioner presented, rightly, or wrongly, the aforementioned petition for revival to the PTO for the filing of this application. Thus, it is immaterial to the question of "mistake" in payment of the petition fee that petitioner may have erred in submitting the fee to the PTO.

Petitioner requested that the petition be accepted. While petitioner now contends that the papers and fee for accomplishing this result were presented to the PTO in error, petitioner's error of presentation did not relieve petitioner from the statutory mandate to pay to the PTO, upon presentation, the fees required for the PTO on filing the petition. Similarly, petitioner's error in presenting the petition and fee on August 1, 2007, does not relieve the PTO from its statutory mandate to collect the fees due to the PTO. As such, there clearly was no error in relation to the payment of fees to the PTO. As noted above, the petition fee was owed, by law, at the time it was paid, and it was paid by a representative of the Applicant. Such does not warrant either a finding of mistake relating to the payment, or warrant a refund of the fee. See In re Hartman, 145 USPQ 402 (Comm'r Pat. 1965). The fact that the fee was necessary at the time it was paid warrants a conclusion that no error in payment was involved. See Meissner v. U.S., 108 USPQ 6 (D.C. Cir. 1955). Such is not a mistake as contemplated by the statute. Id. The finding of the error, which was discovered by petitioner after payment of the petition fee, does not have the retroactive effect of making the previous payment an error or mistake. See Meissner v. U.S., 108 USPQ 6 (D.C. Cir. 1955)(appeal fee paid on same day that examiner allows the application is not a fee paid by mistake within the meaning of 35 USC 42(d)); see also Opinion of the Comptroller General of the United States, 113 USPQ 28, 29 (Comp. Gen. 1957). It follows that no refund is due.

Regarding the assertion that the extension of time fee submitted June 25, 2007 was duplicated with the filing of the extension of time fee submitted August 1, 2007, Applicant is again reminded that the submission, while incomplete, required an extension of time. The submission was considered by this Office and was determined incomplete. Applicant was so notified. The submission, therefore, was not duplicated with the submission of the second, subsequent reply. The submission filed June 25, 2007 required, by statute, an extension of time and fee.

Here, the applicable regulation, 37 CFR 1.26, requires that the money had to be paid by actual mistake, for a refund to be authorized. The mistake, however, must clearly be in relation to the payment itself in order to be refundable. Grady, supra. Rather, the amount paid herein was owed at the time it was paid, and it was paid by the representative of the Applicant. Such is not a mistake within the meaning of the aforementioned statute and regulation that warrants a refund. The fact that the fee was necessary at the time it was paid warrants a conclusion that no error in payment was involved. See Meissner v. U.S., 108 USPQ 6 (D.C. Cir. 1955). Such is not a mistake as contemplated by the statute. Id. It follows that no refund is due.

DECISION

In that Applicant has failed to establish the existence of a mistake in payment of the petition fee or the extension of time fee within the meaning of the statute and regulation, no refund of the entire, or any fractional part thereof, is, or can be, authorized, and the petition may not be withdrawn. Accordingly the petition is dismissed.

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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MAR 1 6 2009

OFFICE OF PETITIONS

In re Patent of	:	
Brett M. Mundell	:	
Application No. 11/643012	:	ON PETITION
Filed: 12/19/2006	:	
Attorney Docket Number: 50585-01021	:	

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed February 5, 2009. The petition is properly treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

This Petition is hereby **granted**.

Background

The above-identified application was filed on December 19, 2006. On January 23, 2007, this Office mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice"), informing Applicant that the statutory basic filing fee was missing, and the oath/declaration was unsigned. The Notice also required replacement drawings in compliance with 37 CFR §§ 1.84 and 1.121(d).

Applicant filed a reply to the Notice on June 25, 2007. The reply included the basic filing fee; an oath and declaration and replacement drawings; however, the drawings were not in compliance with 37 CFR §§ 1.84 and 1.121(d).

Applicant was so notified in a Notice of Incomplete Reply (Nonprovisional), mailed July 2, 2007. The Notice of Incomplete Reply informed Applicant that the period for reply remained as set forth in the Notice (mailed January 23, 2007).

In response to the Notice of Incomplete Reply, Applicant filed a petition to revive the application under 37 CFR 1.137(b) on August 1, 2007. The petition included the petition fee ($750.00); replacement drawings, and also included a petition for a five (5) month extension of time and fee ($1,080.00).

Applicant subsequently filed a request to withdraw the petition and refund the petition fee, which was dismissed in a Decision mailed October 25, 2007. The request to withdraw the petition and refund the extension of time and petition fees was treated as a petition for a refund under 37 CFR 1.181 and dismissed. The petition Decision stated that any further petition to revive must be submitted within two (2) months of the mail date of the Decision. However, the merits of the petition to revive were not considered.

This Office mailed a Notice of Abandonment on May 21, 2008, indicating as the reason for abandonment Applicant's failure to respond to the Decision on petition mailed October 25, 2007.

The present petition

Applicant files the present petition to revive the application.

The reply filed August 1, 2007

Applicant timely filed a reply to the Notice to File Missing Parts of Nonprovisional Application mailed January 23, 2007, including a five (5) month extension of time, on August 1, 2007. As such, while the petition was properly dismissed, the application should have been forwarded to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice.

In view of the foregoing, the holding of abandonment is hereby withdrawn. A refund of the petition fee has been credited to petitioner's deposit account as authorized in the present petition.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice, filed August 1, 2007, in the normal course of business.

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

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

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GUY MCCLUNG
114
5315-B F.M. 1960 RD.WEST
HOUSTON, TX 77069-4410

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DEC 2 4 2008

In re Application of George Alexander Burnett, et al. Application No. 11/643,028 Filed: December 20, 2006 Attorney Docket No: SC 081 DIV	: : : : :	ON PETITION

This is a decision on the petition, filed September 25, 2008, to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure s to timely pay the issue and publication fees on or before September 17, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed June 17, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 18, 2008. On September 12, 2008, the present petition was filed. A Notice of Abandonment was subsequently mailed on October 1, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,440 and the publication fee of $300, (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LERNER DAVID LITTENBERG
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

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AUG 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Larry Schwartz	:	
Application No. 11/643,031	:	ON PETITION
Filed: December 19, 2006	:	
Attorney Docket No. BJI 3.0-047	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed July 13, 2009.

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

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action, mailed November 10, 2008. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on February 11, 2009.

With the instant petition, applicant made the proper statement of unintentional delay, paid the petition fee, and filed the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 3636 for consideration of the Amendment, filed July 13, 2009.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

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OFFICE OF PETITIONS

In re Application of	:	
Antonio Carlos REINHOLTZ	:	
Application No. 11/643,035	:	DECISION ON PETITION
Filed: December 19, 2006	:	TO WITHDRAW
Attorney Docket No. 3194-8143US	:	FROM RECORD
	:	

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 29, 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 does not include an acceptable change of address for future communications from the Office.

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/
Diane Goodwyn
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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MAY 24 2010

OFFICE OF PETITIONS

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

In re Application of	:	
Antonio Carlos REINHOLTZ	:	
Application No. 11/643,035	:	DECISION ON PETITION
Filed: December 19, 2006	:	TO WITHDRAW
Attorney Docket No. 3194-8143US	:	FROM RECORD
	:	

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 12, 2010.

The request is **APPROVED**.

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

The request was signed by Edgar R. Cataxinos on behalf of the attorneys of record associated with Customer No. 24247.

The attorneys of record associated with Customer No. 24247 have been withdrawn.

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

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

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

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

cc: ANTONIO CARLOS REINHOLTZ
RUA CAFELANDIA 22
VINHEDO SAO PAULO 13280-000
BRAZIL

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/643,035	12/19/2006	Antonio Carlos Reinholtz	3194-8143US

CONFIRMATION NO. 1026

POWER OF ATTORNEY NOTICE

24247
TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

OC000000041748171

Date Mailed: 05/21/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/12/2010.

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

/dcgoodwyn/

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

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OFFICE OF PETITIONS

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

In re Application of	:	
YAU, Shing-Tung et al.	:	
Application No. 11/643,045	:	DECISION ON PETITION
Filed: December 19, 2006	:	TO WITHDRAW
Attorney Docket No. **G0775.70002US04**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 06, 2009.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed. See PTO/SB/83 (11-08).

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **DR. SHING-TUG YAU**
GEOMERIC INFORMATICS, INC.
387 SOMERVILLE AVENUE
SOMERVILLE MA 02143

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600 ATLANTIC AVENUE
BOSTON MA 02210-2206

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SEP 29 2009

OFFICE OF PETITIONS

In re Application of	:	
YAU, Shing-Tung et al.	:	
Application No. 11/643,045	:	DECISION ON PETITION
Filed: December 19, 2006	:	TO WITHDRAW
Attorney Docket No. **G0775.70002US04**	:	FROM RECORD
	:	

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 21, 2009.

The request is **APPROVED**.

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

The request was signed by Steven Henry on behalf of all attorneys of record who are associated with customer No. 23628. All attorneys/agents associated with the Customer Number 23628 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 Shing-Tung Yau at the address indicated below.

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **DR. SHING-TUNG YAU**
GEOMETRIC INFORMATICS, INC.
387 SOMERVILLE AVENUE
SOMERVILLE MA 02143

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SEVENTH FLOOR, KALAMAZOO BUILDING
107 WEST MICHIGAN AVENUE
KALAMAZOO MI 49007

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JUN 06 2007

OFFICE OF PETITIONS

In re Application of	:	
Vidal Benatar et al	:	
Application No. 11/643,046	:	DECISION GRANTING
Filed: December 20, 2006	:	PETITION
Attorney Docket No. SERVIER 512	:	

This is a decision on the petition, filed February 5, 2007, requesting that the above-identified application be accorded a filing date of December 20, 2006, rather than the presently accorded date of December 21, 2006. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on December 20, 2006. In support, the petition is accompanied by a copy of the USPS Track and Confirm for Express Mail Label No. EV757928485US which shows the enroute date of December 20, 2006 in Kalamazoo, MI. The same Express Mail number appears on the original transmittal papers found in the application file.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label; MPEP 513. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on December 20, 2006.

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

This application file is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **December 20, 2006** and for issuance of a corrected filing receipt. Afterwards, the application will be referred to Technology Center AU 1614 for the mailing of the nonfinal office action.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 3208. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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The Boeing Company
c/o Sawyer Law Group, P.C.
P.O. Box 51418
Palo Alto, CA 94303

Mail Date: 04/20/2010

Applicant	: Paul Richard Herz	: DECISION ON REQUEST FOR
Patent Number	: 7593155	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/643,048	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **61** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

Yahoo c/o MOFO Palo Alto
755 Page Mill Road
Palo Alto, CA 94304-1018

In re Application of	:	
Sanjay V. Sohoni et al.	:	
Application No. 11/643,068	:	DECISION ON PETITION
Filed: December 20, 2006	:	TO WITHDRAW
Attorney Docket No. 3242120115500	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 23, 2010.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to all attorneys/agents associated with customer number 76102 have been revoked by the assignee of the patent application on April 16, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Yahoo! Inc. c/o Greenberg Traurig, LLP
Met Life Building
200 Park Avenue
New York, NY 10166

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THE DIAL CORPORATION
19001 N. SCOTTSDALE ROAD
SCOTTSDALE AZ 85255

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JUN 07 2010
OFFICE OF PETITIONS

In re Application of	:	
Hafer et al.	:	
Application No. 11/643,080	:	DECISION ON PETITION
Filed: December 21, 2006	:	
Attorney Docket No. 7196	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 3, 2010, to revive the above-identified application and the additional petition to withdraw of the holding of abandonment in the above-identified application.

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

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 23, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 24, 2009. A Notice of Abandonment was mailed January 5, 2010.

Petitioner contends that "Applicants were waiting for a new nonfinal office from the Examiner, pursuant to an exchange of voicemail messages wherein was agreed that Examiner missed seeing and examining on the merits the last two pages of Applicants' claims as filed."

However, 37 CFR 1.2 states:

> 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.

As such, what was discussed between the petitioner and the examiner of record via voicemails cannot be relied upon.

Additionally, 37 CFR 1.135(b) states:

> Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any

amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

For the above stated reasons, the request to withdraw of the holding of abandonment in the above-identified application cannot be granted.

The petition to revive under 37 CFR 1.137(b) is hereby **DISMISSED**.

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

With respect to item (1) petitioner has failed to submit the required reply to the nonfinal Office action mailed June 23, 2009.

Further, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

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JUL 2 0 2010

OFFICE OF PETITIONS

In re Application of
Hossein Amidi
Application No. 11/643,100
Filed: December 21, 2006
Attorney Docket No. 543858013US

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, June 9, 2010, to change the name of inventor "Hossein Amidi" to – Mike H. Amidi --.

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 April M. Wise at (571) 272-1642. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2112 for processing of the reply to the outstanding Office action mailed April 19, 2010.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/643,100	12/21/2006	2112	2782	543858013US	23	3

CONFIRMATION NO. 3423

CORRECTED FILING RECEIPT

OC000000042580520

25096
PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

Date Mailed: 07/15/2010

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)
Mike H. Amidi, Lake Forest, CA;

Assignment For Published Patent Application
SMART Modular Technologies, Inc., Fremont, CA

Power of Attorney: The patent practitioners associated with Customer Number 25096

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/27/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/643,100**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Memory modules with error detection and correction

Preliminary Class

714

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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BOEING MANAGEMENT COMPANY
P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

Applicant	: Gary E. Georgeson	: DECISION ON REQUEST FOR
Patent Number	: 7617715	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/643,112	: 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 **321** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

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

In re Application of	:	
Dong-Young Kim	:	
Application No. 11/643,115	:	DECISION GRANTING PETITION
Filed: December 20, 2006	:	
Attorney Docket No. 12576-7066	:	

This is a decision on the petition filed April 10, 2007, under 37 CFR 1.10(c) requesting that the above-cited application be accorded a filing date of December 20, 2006, rather than the presently accorded filing date of December 21, 2006.

Petitioner alleges that the application was deposited with the United States Postal Service, Express Mail Service on December 20, 2006. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number EV906817582US showing a "date-in" of December 20, 2006. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on December 20, 2006.

In view of the above, the petition is granted. The new filing date for the above-cited application is December 20, 2006.

The petition fee of $130.00 will be refunded, in due course.

The Office of Initial Patent Examination will further process the application with a filing date of December 20, 2006, and issue a corrected filing receipt.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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

Mail Date: 04/20/2010

Applicant	: Jeffrey G. Thompson	: DECISION ON REQUEST FOR
Patent Number	: 7581451	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/643,122	: 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 **256** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

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OFFICE OF PETITIONS

In re Application of	:	
Steven Grady, et al.	:	
Application No. 11/643,146	:	DECISION ON PETITION
Filed: December 20, 2006	:	TO WITHDRAW
Attorney Docket No. 601542001300	:	FROM RECORD
	:	

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 19, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because practitioners have not made the necessary certification for granting the request.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: PETER A. EMMI, ESQ.
PATTERSON, BELKNAP, WEBB & TYLER, LLP
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/643,152	12/20/2006	2862	1000	06-35 US	4	18	3

CONFIRMATION NO. 2872

CORRECTED FILING RECEIPT

OC000000022727215

23693
Varian Inc.
Legal Department
3120 Hansen Way D-102
Palo Alto, CA 94304

Date Mailed: 03/02/2007

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

Applicant(s)

Richard S. Withers, Sunnyvale, CA;

Assignment For Published Patent Application

Varian, Inc.

Power of Attorney:

Edward Berkowitz--27771
Hunter Auyang--33224
Bella Fishman--37485

Domestic Priority data as claimed by applicant

Foreign Applications

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

Non-Publication Request: No

Early Publication Request: No

Title

Cold normal metal and HTS NMR probe coils with electric field shields

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.

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

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

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

GRANTED

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

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof

unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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

NOT GRANTED

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

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WAGNER, MURABITO & HAO LLP
123 Westridge Drive
Watsonville CA 95076

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OFFICE OF PETITIONS

In re Application of :
Cisewski et al :
Application No. 11/643,154 : ON PETITION
Filed: December 20, 2006 :
Attorney Dkt No. HSJ920060083US1 :
Title: Tradeoff Between Reliability:
and Performance for a Disk Drive :
:

This is a decision on the petition filed April 2, 2007 (certificate of mailing March 29, 2007), requesting in effect, the "Notice of Omitted Item(s)" ("Notice") be withdrawn, and the above-identified application be accorded a filing date of December 20, 2006 including figure 6.

The application was filed on December 20, 2006. However, on January 29, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of December 20, 2006 but figure 6 as described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends figure 6 as described in the specification was filed on December 20, 2006. In support, the petition is accompanied by a copy of applicants' return postcard which lists "Drawings 7 sheets". The petition is further accompanied by a copy of figure 6.

Applicants' postcard receipt is prima facie evidence that 7 sheets of drawings, including figure 6 were received on December 20, 2006. Therefore, it is concluded that figure 6 was received on December 20, 2006, as shown in counsel's file, and later misplaced in the office.

The petition is Granted. The $400.00 petition fee will be refunded.

The application will be returned to the Office of Initial Patent

Examination for further processing with a **filing date of December 20, 2006**, using the drawings submitted on December 20, 2006 and copy of figure 6 supplied with the petition on April 2, 2007.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

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DIW Nov-09

ERIC LEE HALPERN
667 CRESTWOOD RD.
WAYNE PA 19087

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NOV 03 2009

OFFICE OF PETITIONS

In re Application of	:	
Eric Lee Halpern	:	
Application Number: 11/643173	:	
Filing Date: 12/21/2006	:	LETTER DISMISSING PETITION
For: EXERCISE AND PERCH SYSTEM	:	
FOR DOMESTIC CATS	:	

This is a decision in reference to the unsigned paper filed on September 2, 2009, requesting that the holding of abandonment be withdrawn.

The petition is **DISMISSED** for the reasons stated below.

This application became abandoned on May 7, 2009, for failure to submit a timely response to the non-final Office action mailed on January 6, 2009, which set a three (3) month shortened statutory period for reply. A one (1) month extension of the time for reply in accordance with 37 CFR 1.136(a) were obtained. An untimely reply was received on July 7, 2009. Notice of Abandonment was mailed on August 10, 2009. The subject paper was filed on September 2, 2009.

The petition cannot be considered on the merits because it is unsigned. Specifically, 37 CFR 1.4 requires that all papers filed in the USPTO must be signed by either a registered patent attorney or all of the inventors in an application. As this application contains an executed declaration listing Eric Lee Halpern as the sole inventor, the petition must be signed by the inventors or his registered patent practitioner.

The letter states that a response was timely filed on July 2, 2009. Specifically, petitioner asserts that the reply received

on July 7, 2009 was timely because it was deposited with the USPS on July 2, 2009. In support, petitioner has provided a copy of a USPS postage sales receipt, showing that postage for a letter sent priority mail to Alexandria, VA 22313-1450 was paid for on July 2, 2009.

The U.S. Patent and Trademark Office (Office) file is the official record of the papers filed in this application. A review of the papers filed reveals that no timely and proper reply to the Office communication mailed on January 6, 2009, was received in the USPTO. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The fact that petitioner believes that the reply was (or should have been) timely received in the Office, is not more persuasive than the date the papers are shown to have been received in the official file.

Petitioner is reminded of the procedures set forth for establishing the timely filing of papers in the Office: the certificate of mailing or transmission procedure set forth at 37 CFR 1.8, the certified mail procedure set forth at 37 CFR 1.10, and the return receipt postcard procedure set forth in MPEP 503. However, the showing of record is that petitioner did not submit the correspondence in question utilizing the safeguards provided by the above-referenced regulations and policy.

At best, the record shows that applicant intended to file the papers in question in the USPTO on July 2, 2009, but the evidence, unfortunately, does not show that the reply was in fact timely filed. In this regard the USPS Sales Receipt is not acceptable proof of the date of mailing as set forth in 37 CFR 1.8 and the MPEP, but simply indicates that postage to Alexandria VA 22313-1450 was purchased on July 2, 2009.

As petitioner failed to comply with the requirements of 37 CFR 1.8, or 1.10, the Office is unable to grant the requested relief. As such, the petition to withdraw the holding of abandonment must be dismissed. In future filings, petitioner should avail himself of the itemized postcard receipt practice of MPEP 503 as well as the certificate of mailing or transmission procedures set forth in 37 CFR 1.8 or express mail procedures set forth at 37 CFR 1.10.

Furthermore, it is noted that a three (3) month extension of time would have been required to make any reply filed on July 2, 2009 a timely reply. Petitioner, however, did not pay the proper

amount for a three (3) month extension of time under 37 CFR 1.136(a). The small-entity fee for a three (3) month extension of time is currently $555.00. Petitioner, however, submitted payments on April 6, 2009, May 6, 2009, and June 5, 2009, of $65.00 each, totaling $195.00.

As the showing of record is that a timely and proper response was not filed, the application is properly held abandoned.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a petition under 37 CFR 1.137(b), which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

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

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

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

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

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement

that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

A copy of the form for filing a petition under 37 CFR 1.137(b) to revive an application unintentionally abandoned is enclosed herewith for petitioner's convenience.

A reply to this communication should be submitted within **two (2) months** of the mailing date of this communication. This time period is not extendable.

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

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

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

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

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/64

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DIW Feb-10

ERIC LEE HALPERN
667 CRESTWOOD RD.
WAYNE PA 19087

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FEB 18 2010

In re Application of	:	
Eric Lee Halpern	:	
Application Number: 11/643173	:	ON PETITION
Filing Date: 12/21/2006	:	
For: EXERCISE AND PERCH SYSTEM	:	
FOR DOMESTIC CATS	:	

This is a decision in response to the petition under 37 CFR 1.137(b)[1] filed on December 9, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on May 7, 2009, for failure to submit a timely response to the non-final Office action mailed on January 6, 2009, which set a three (3) month shortened statutory period for reply. A one (1) month extension of the time for reply in accordance with 37 CFR 1.136(a) was filed on April 6, 2009. An untimely reply was received on July 7, 2009. Notice of Abandonment was mailed on August 10, 2009. An unsigned paper

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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)).

styled as a petition to withdraw the holding of abandonment was filed on September 2, 2009. On November 3, 2009, a decision was mailed dismissing the petition. On December 9, 2009, the present petition and fee were filed.

The amendment filed on July 7, 2009, will be treated as the reply to the outstanding Office action.

The application is forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATTON BOGGS, LLP
2001 ROSS AVENUE, SUITE 3000
DALLAS TX 75201

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DEC 0 5 2008

OFFICE OF PETITIONS

In re Application of :
Dellon, et al. :
Application No. 11/643,205 :
Filed: December 21, 2006 :
Attorney Docket No. 024084.0103PTUS :
For: METHOD AND APPARATUS FOR EVALUATION OF NEUROSENSORY RESPONSE

ON PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed September 29, 2008, requesting that the above-identified application be accorded a filing date of December 20, 2006, rather than the presently accorded filing date of December 21, 2006.

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

Petitioner contends that the above-identified application was deposited in the United States Postal Service (USPS) Express Mail service on December 20, 2006 and accordingly requests a December 20, 2006 filing date for the application.

Unfortunately, the notations and postal stamp on the customer copy of Express Mail Receipt no. EV823030767US submitted with the petition are illegible. The petition cannot be properly evaluated without a legible copy of Express Mail Receipt no. EV823030767US.

Please submit another copy of Express Mail Receipt no. EV823030767US and a reconsideration Rule 10(c) petition within two months of the mail date of this decision.

No petition fee is required when filing a Rule 10 petition. As such, the $400.00 petition fee submitted on September 29, 2008 will be refunded to petitioner's credit card.

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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2001 ROSS AVENUE, SUITE 3000
DALLAS, TX 75201

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APR 0 3 2009

OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Dellon et al.	:	TO WITHDRAW
Application No. 11/643,205	:	FROM RECORD
Filed: December 21, 2006	:	
Attorney Docket No. 024084.0103PTUS	:	

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 22, 2008.

The request is **APPROVED**.

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

The request was signed by Scott A. Chambers on behalf of all practitioners of record.

Scott A. Chambers and all practitioners of record 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 A. Lee Dellon at the address indicated below.

There is an outstanding non-final Office action mailed March 3, 2009 that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to Petitions Alicia Kelley (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: A. LEE DELLON
3333 NORTH CALVERT STREET, SUITE 370
C/O SENSORY MANAGEMENT SERVICES, LLC
BALTIMORE, MD 21218

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/643,205	12/21/2006	A. L. Dellon	024084.0103PTUS

CONFIRMATION NO. 4078

POWER OF ATTORNEY NOTICE

44124
PATTON BOGGS, LLP
2001 ROSS AVENUE, SUITE 3000
DALLAS, TX 75201

OC000000035320061

Date Mailed: 04/03/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/22/2008.

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

/atkelley/

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

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A. LEE DELLON
3333 NORTH CALVERT STREET, SUITE 370
C/O SENSORY MANAGEMENT SERVICES, LLC
BALTIMORE MD 21218

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APR 22 2009

OFFICE OF PETITIONS

In re Application of :
Dellon, et al. :
Application No. 11/643,205 : ON PETITION
Filed: December 20, 2006 :
Attorney Docket No. 024084.0103PTUS :
For: METHOD AND APPARATUS FOR EVALUATION OF NEUROSENSORY RESPONSE

This is a decision on the reconsideration petition under 37 CFR 1.10(c), filed February 3, 2009, requesting that the above-identified application be accorded a filing date of December 20, 2006, rather than the presently accorded filing date of December 21, 2006.

Petitioner contends that the above-identified application was deposited in the United States Postal Service (USPS) Express Mail service on December 20, 2006 and accordingly requests a December 20, 2006 filing date for the application. In support of this contention, petitioner has supplied with the present petition a copy of Express Mail Receipt No. EV823030767US, bearing a "date-in" of "12 20 06" and a postal stamp of "DEC 20 2006". The original patent application transmittal letter found in the application file references Express Mail Receipt Number: EV 823030767US.

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

No fee has been or will be charged in connection with this matter.

This application file is being forwarded to the Office of Patent Application Processing for further processing with a filing date of **December 20, 2006.** Thereafter, this application file will be forwarded to Technology Center A.U. 3736 to await reply to the non-final Office action mailed March 3, 2009.

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

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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INTELLECTUAL PROPERTY MANAGEMENT
BOEING MANAGEMENT COMPANY
P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

Applicant	: Ali Salour	: DECISION ON REQUEST FOR
Patent Number	: 7629887	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/643,215	: 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 **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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AUG 2 4 2009

OFFICE OF PETITIONS

In re Application of	:	
DeMorin et al.	:	
Application No.: 11/643261	:	ON PETITION
Filing or 371(c) Date: 12/20/2006	:	
Attorney Docket Number:	:	
A-1067-US-NP	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed July 21, 2009.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed June 26, 2008. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on September 27, 2008. A Notice of Abandonment was mailed January 21, 2009.

Applicant files the present petition and includes an Amendment in response to the Office action. 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 is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to Technology Center Art Unit 1624 for processing of the Amendment filed with the petition in the normal course of business.

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

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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 17 2009

OFFICE OF PETITIONS

MARTIN & FERRARO, LLP
1557 LAKE O'PINES STREET, NE
HARETVILLE OH 44632

In re Application of Gary K. Michelson Application No. 11/643,262 Filed: December 19, 2006 Attorney Docket No. 101.0097-02000	: : : : :	DECISION ON PETITION

This is a decision on the petition, filed July 8, 2009, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of December 24, 2008, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before March 24, 209.

Petitioner states that a timely reply was transmitted by facsimile via certificate of mailing on March 24, 2009, which included the following papers: Amendment with Exhibit A, and Terminal Disclaimer. Petitioner has submitted a copy of the previously transmitted facsimile, which bears a certificate of mailing dated March 24, 2009, which would have rendered the reply timely.

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

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time

has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

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

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

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 December 24, 2008 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been transmitted by facsimile on March 24, 2009.

This application is being referred to Technology Center AU 3775 for appropriate action in the normal course of business on the reply received with the petition.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATTON BOGGS, LLP
2001 ROSS AVENUE, SUITE 3000
DALLAS TX 75201

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OFFICE OF PETITIONS

In re Application of	:	
Dellon et al.	:	
Application No. 11/643,281	:	ON PETITION
Filed: December 20, 2006	:	
Attorney Docket No. 024084.0102PTUS	:	

This is a decision on the petition filed September 29, 2008, requesting that the above-identified application be accorded a filing date of December 20, 2006, rather than the presently accorded date of December 21, 2006. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on December 20, 2006, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 823030753 US, showing a handwritten "date-in" of "12-20-06," as well as a "DEC 20 2006" USPS receipt stamp. The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal." Additionally, the Express Mail label number appears on the Certificate of Express Mailing under 37 CFR 1.10 and includes a statement of express mailing dated December 20, 2006.

To further substantiate applicant's allegation that the application papers for this file were deposited on the requested filing date, an independent search was made of the USPS Express Mail Track and Confirm records which resulted in a finding that the package in question was in fact accepted on December 20, 2006 at 7:44 p.m. at the Dallas, TX USPS.

In view of the above evidence, it is concluded that the application was deposited as "Express Mail" with the USPS on December 20, 2006.

The petition is **GRANTED**.

A petition under 37 CFR 1.10(c) does not require a petition fee. Accordingly, the $400.00 petition fee submitted will be refunded to petitioner's credit card.

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of December 20, 2006, along with a corrected filing receipt.** Thereafter, the application file will be forwarded to Technology Center 3700 for examination in due course.

Telephone inquiries concerning this decision may be directed the undersigned at (571) 272-3206. All other inquiries should be directed to the Office of Patent Application Processing.

Liana Walsh

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PATTON BOGGS, LLP
2001 ROSS AVENUE, SUITE 3000
DALLAS, TX 75201

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FEB 11 2009

OFFICE OF PETITIONS

In re Application of	:	
A. L. DELLON., et al	:	
Application No. 11/643,281	:	DECISION ON PETITION
Filed: December 20, 2006	:	TO WITHDRAW
Attorney Docket No. 024084-0102PTUS	:	FROM RECORD
	:	

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 22, 2008.

The request is **APPROVED**.

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

The request was signed by Scott A. Chambers on behalf of all the attorneys of record.

All the attorneys of record have been withdrawn.

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

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: A. LEE DELLON
3333 NORTH CALVERT STREET, SUITE 370
C/O SENSORY MANAGEMENT SERVICES, LLC
BALTIMORE, MD 21218

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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SYNTHON IP INC
7130 HERITAGE VILLAGE PLAZA
STE 202
GAINESVILLE, VA 20155

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OFFICE OF PETITIONS

In re Application of	:	
Pospisilik et al.	:	
Application No. 11/643298	:	
Filing or 371(c) Date: 12/21/2006	:	DECISION
Attorney Docket Number: SYN-0078	:	ON PETITION

This is a decision on the Petition Under 37 C.F.R. § 1.10(d) to Correct Express Mail Filing Date, filed March 28, 2007, requesting that the above-identified application be accorded a filing date of December 20, 2006, rather than the presently accorded filing date of December 21, 2006.

Petitioner alleges that the application was deposited in Express Mail service on December 20, 2006. Petitioner has filed the appropriate documentary and corroborating evidence demonstrating that December 20, 2006 was the date the correspondence was deposited Express Mail Post Office to Addressee.

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

This application file will be forwarded to the Office of Initial Patent Examination for correction of the filing date to December 20, 2006, and for the mailing of a corrected filing receipt.

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

Derek L. Woods
Attorney
Office of Petitions

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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BARNARD INTELLECTUAL
PROPERTY LAW, INC.
P.O. BOX 58888
SEATTLE WA 98138-1888

COPY MAILED

MAY 1 9 2008

OFFICE OF PETITIONS

In re Application of
Goss, et al.
Application No. 11/643,306
Filed: 21 December, 2006
Attorney Docket (None)

DECISION

This is a decision on the petition filed on 18 September, 2007, to revive an application under 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

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.

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

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

It appears that Petitioner has satisfied the requirements of the regulation, as set forth below:

BACKGROUND

The record reflects that:

Petitioner failed to reply timely and properly to the Notice of Missing Parts (oath/declaration and surcharge) mailed on 20 February, 2007, with reply due absent extension of time on or before 20 April, 2007.

The application went abandoned by operation of law after midnight 20 April, 2007.

It does not appear that the Office mailed the Notice of Abandonment before the petition was filed.

On 18 September, 2007, Petitioner filed a petition (with fee) alleging unintentional delay under 37 C.F.R. §1.137(b), included therewith, *inter alia*, a reply in the form of an oath/declaration and surcharge, and made the statement of unintentional delay.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[2],[3]

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

[2] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[3] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure

CONCLUSION

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

The instant application is released to Office of Patent Application Processing (OPAP) (formerly Office of Initial Patent Examination (OIPE)) for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

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

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

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to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional:))

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

§1.2 Business to be transacted in writing.

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

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APPLE INC./BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Imran Chaudhri	: DECISION ON REQUEST FOR
Patent Number	: 7665038	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/643,315	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **336** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/643,317	12/21/2006	Francois Blanchette	G&C 30794.209-US-01	4337

22462 7590 03/01/2010
GATES & COOPER LLP
HOWARD HUGHES CENTER
6701 CENTER DRIVE WEST, SUITE 1050
LOS ANGELES, CA 90045

EXAMINER
HAVAN, HUNG T

ART UNIT	PAPER NUMBER
2128	

MAIL DATE	DELIVERY MODE
03/01/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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GATES & COOPER LLP
HOWARD HUGHES CENTER
6701 CENTER DRIVE WEST, SUITE 1050
LOS ANGELES CA 90045

In re Application of:
Francois Blanchette et al.
Application No. 11/643,317
Filed: December 21, 2006
For: HIGH RESOLUTION NUMERICAL SIMULATIONS OF RESUSPENDING GRAVITY CURRENTS

DECISION ON PETITION UNDER 37 C.F.R. 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. 1.84(a)(2), filed December 21, 2006 requesting acceptance of color drawings.

The petition requests that the color drawings, specifically figures 2,5,9,10 and 13 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee, three (3) sets of color drawings of Figures 2,5,9,10 and 13 and paragraph [0012] of the specification filed with the application contains the required notification described above.

The petition is **GRANTED**.

/Kakali Chaki/

Kakali Chaki
Quality Assurance Specialist
Technology Center 2100

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Commissioner for Patents
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Paper No.

MAILED

JUL 26 2010

OFFICE OF PETITIONS

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

In re Application of	:	
Mukherjee et al.	:	DECISION ON
Application No. 11/643,342	:	PETITION PURSUANT TO
Filed: December 21, 2006	:	37 C.F.R. § 1.182
Attorney Docket No. U 016633-5	:	
Title: DRUG COMPRISING SYNTHETIC	:	
PEPTIDE ANALOGS FOR THE TREATMENT	:	
OF CANCER	:	

This is in response to the petition pursuant to 37 C.F.R. § 1.182, requesting the withdrawal of a terminal disclaimer, filed on March 24, 2010.

This petition is **GRANTED**.

On March 26, 2009, Petitioner submitted two terminal disclaimers to overcome a non-statutory double patenting rejection over U.S. patent numbers 6,492,330 and 6,596,692, in a non-final Office action mailed October 23, 2008.

With this petition, Petitioner has submitted the petition fee and a request that the terminal disclaimers that are associated with U.S. patent numbers 6,492,330 and 6,596,692 be withdrawn.

The Examiner has reviewed Petitioner's request, and has determined that the previously filed terminal disclaimers should be withdrawn.

The previously filed terminal disclaimers are hereby **WITHDRAWN**.

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

Telephone inquiries *regarding this decision* should be directed to the undersigned at (571) 272-3225.[1] 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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1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

Mail Date: 04/20/2010

Applicant	: Paul C. Kocher	: DECISION ON REQUEST FOR
Patent Number	: 7634083	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/643,349	: 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 **465** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

Mail Date: 05/17/2010

Applicant : Paul C. Kocher
Patent Number : 7634083
Issue Date : 12/15/2009
Application No : 11/643,349
Filed : 12/21/2006

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/643,366	12/20/2006	Sanh D. Tang	MI22-3465	3110

7590 10/18/2007
WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

EXAMINER
CHEN, JACK S J

ART UNIT	PAPER NUMBER
2813	

MAIL DATE	DELIVERY MODE
10/18/2007	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 10/24/2007 KKING1
12/26/2006 CNGUYEN2 00000039 11643366
02 FC:1111 -500.00 OP

Repln. Ref: 10/24/2007 KKING1 0010411500
DA#:230925 Name/Number:11643366
FC: 9204 $500.00 CR

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATTON BOGGS, LLP
2001 ROSS AVENUE, SUITE 3000
DALLAS TX 75201

MAILED

MAY 26 2009

OFFICE OF PETITIONS

In re Application of	:	
A. L. Dellon et al.	:	
Application No. 11/643,398	:	DECISION ON PETITION
Filed: December 20, 2006	:	TO WITHDRAW
Attorney Docket No. 024084.0104PTUS	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 22, 2008.

The request is **APPROVED**.

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

The request was signed by Scott A. Chambers on behalf of all attorneys of record who are associated with Patton Boggs, LLP.

All attorneys/agents associated with the Patton Boggs, LLP have been withdrawn.

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

All future correspondence will be directed to the first inventor A. Lee Dellon at the address indicated in the request.

The application became abandoned for failure to respond to the Non-Final Office mailed October 3, 2008, which set a shortened statutory period for reply of three (3) months.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: A. Lee Dellon
3300 North Calvert Street, Suite 370
c/o Sensory Management Services, LLC
Baltimore, MD 21218

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/643,404	12/20/2006	1762	1200	PA4002US	5	24	3

CONFIRMATION NO. 3863

CORRECTED FILING RECEIPT

OC000000022509677

22830
CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

Date Mailed: 02/15/2007

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

Applicant(s)

John Boyd, Hillsboro, OR;
Yezdi Dordi, Palo Alto, CA;
Tiruchirapalli Arunagiri, Fremont, CA;
William Thie, Mountain View, CA;
Fritz C. Redeker, Fremont, CA;
Praveen Nalla, Fremont, CA;

Assignment For Published Patent Application

Lam Research Corporation

Power of Attorney: The patent practitioners associated with Customer Number **22830**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/25/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/643,404

Projected Publication Date: None, non-publication request

Non-Publication Request: No

Early Publication Request: No

Title

Self-limiting plating method

Preliminary Class

427

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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CARR & FERRELL LLP
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JUL 18 2008

In re Application of	:	
BOYD, John et al.	:	
Application No. 11/643,404	:	DECISION ON PETITION
Filed: December 20, 2006	:	TO WITHDRAW
Attorney Docket No. **PA4002US**	:	FROM RECORD

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 30, 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 Vernon Gard on behalf of all attorneys of record who are associated with customer No. 22830. All attorneys/agents associated with the Customer Number 22830 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **LAM RESEARCH CORPORATION**
4650 CUSHING PARKWAY
FREMONT, CA 94538

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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CISLO & THOMAS, LLP
233 WILSHIRE BLVD
SUITE 900
SANTA MONICA CA 90401-1211

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OFFICE OF PETITIONS

In re Application of	:	
RAY SOLARI	:	
Application No. 11/643,447	:	DECISION ON PETITION
Filed: December 19, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **06-16734**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 05, 2007 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the declaration of inventor Ray Solari, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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 3765 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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CISLO & THOMAS LLP
1333 2ND STREET
SUITE #500
SANTA MONICA CA 90401-4110

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MAR 17 2008

In re Application of	:	
SOLARI, Ray	:	
Application No. 11/643,447	:	DECISION ON PETITION
Filed: December 19, 2006	:	TO WITHDRAW
Attorney Docket No. **06-16734**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 28, 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 Cisio on behalf of all attorneys of record who are associated with customer No. 25189. All attorneys/agents associated with the Customer Number 25189 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Ray Solari at the address indicated below.

There is an outstanding Office action mailed October 26, 2007 that requires a reply from the applicant.

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

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **RAY SOLARI**
531 MAIN STREET
SUITE 1105
EL SEGUNDO, CA 90245

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

Mail Date: 04/21/2010

Applicant	: Sung-Soo Chang	: DECISION ON REQUEST FOR
Patent Number	: 7667797	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/643,499	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **555** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

MEYERTONS HOOD KIVLIN KOWERT GOETZEL & SYMANTEC
P.O. BOX 398
AUSTIN, TX 78767-0398

In re Application of	:	
Guido WESTENBERG	:	
Application No. 11/643,503	:	DECISION ON PETITION
Filed: December 20, 2006	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. **5950-01100**	:	

This is a decision on the petition, filed July 17, 2009, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on December 20, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

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

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

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

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

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of January 7, 2010 accompanies this decision on petition.

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

This application is being referred to Technology Center Art Unit 2113 for examination in due course.

Brian W. Brown
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/643,503	12/20/2006	Guido Westenberg	5950-01100

CONFIRMATION NO. 4317

86942
Meyertons, Hood, Kivlin, Kowert, Goetzel/Symantec
P.O. Box 398
Austin, TX 78767-0398

NONPUBLICATION RESCISSION LETTER

"OC000000037987949"

Date Mailed: 09/28/2009

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 01/07/2010.

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

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

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

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

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

/magraves/

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

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date	: 11/12/2009
Patent No.	: 7,547,858 B2
Serial No.	: 11/643,511
Inventor(s)	: Nagata
Issue Date	: June 16, 2009
Title	: **PUSH BUTTON SWITCH**
Doc./File No.	: **15115/253001**

Re: Certificate of Correction

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

Respecting the alleged error in column 4, line 61, claim 7, comparison of the printed patent with the corresponding location in the application file reveals that there is no discrepancy. No correction is in order here.

In view of the foregoing, your request for certificate of correction is hereby denied.

Further consideration will be given concerning this matter upon receipt of a request for **Reconsideration** (reconsideration should be accompanied by supporting document(s) such as, amendment, postcard receipt, 1449/892, etc.) and should be filed and directed to Decisions & Certificates of Correction Branch.

Ernest C. White, *LIE* (703) 756-1590
Mary F. Diggs, *Supervisor* (703) 756-1580
Decisions & Certificates of Correction Branch

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

ecw

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EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN TX 77522-2149

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OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Hershkowitz et al.	:	UNDER 37 CFR 1.78(a)(3)
Application No. 11/643,541	:	
Filed: December 21, 2006	:	
Attorney Docket No. 2006EM215	:	

This is a decision on the PETITION UNDER 37 CFR 1.78(a)(3) TO CORRECT AN UNINTENTIONALLY DELAYED DOMESTIC PRIORITY CLAIM, filed May 3, 2010, to accept an unintentionally delayed claim to prior-filed application 11/639,691. This petition is properly treated under 37 CFR §1.78(a)(3).

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), and must be filed during the pendency of the nonprovisional application. 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 where there is a question whether the delay was unintentional.

The instant application was filed after November 29, 2000. A review of the application as filed reveals that the claim for priority set forth on petition was not properly submitted on filing in the first sentence of the specification or in an application data sheet. The claim provided in the first sentence of the specification did not state the application number of the prior-filed application as required for a proper claim under 35 U.S.C. 120. No ADS was submitted on filing of the application. The four and sixteen-month periods specified in 37 CFR §§ 1.78(a)(2)(ii) expired without submission of a proper reference. Thus, the instant petition is appropriate. In addition, the petition includes payment of the surcharge and the required statement of unintentional delay.

On petition, a reference to the prior-filed nonprovisional application has been included in an amendment, as required by 37 CFR 1.78(a)(2)(iii), with the appropriate relationship stated as continuation-in-part.

All of the above requirements having been satisfied, the late claim for benefit of priority to the prior-filed application 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 filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§120 and 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 application, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3219. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center Art Unit 1797 for consideration by the examiner of the claim for benefit of priority under 35 U.S.C. § 120 of the prior-filed application as set forth in the amendment filed May 3, 2010.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/643,541	12/21/2006	1797	3080	2006EM215	59	3

CONFIRMATION NO. 3824

CORRECTED FILING RECEIPT

23455
EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

OC000000042024992

Date Mailed: 06/10/2010

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)

Frank Hershkowitz, Liberty Corner, NJ;
John Scott Buchanan, Lambertville, NJ;
Hary W. Deckman, Clinton, NJ;
Jeffrey W. Frederick, Centreville, VA;

Power of Attorney: The patent practitioners associated with Customer Number 23455

Domestic Priority data as claimed by applicant

This application is a CIP of 11/639,691 12/15/2006
which claims benefit of 60/753,961 12/23/2005

Foreign Applications

If Required, Foreign Filing License Granted: 02/20/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/643,541**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHANE CONVERSION TO HIGHER HYDROCARBONS

Preliminary Class

585

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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OFFICE OF PETITIONS

MCDERMOTT WILL & EMERY
11682 EL CAMINO REAL
SUITE 400
SAN DIEGO CA 92130-2047

In re Patent No. 7,217,551	:	
Issue Date: May 15, 2007	:	
Application No. 11/643,551	:	DECISION ON PETITION
Filed: December 20, 2006	:	
Attorney Docket No. 066821-0348	:	

This is a decision on the "PETITION TO CORRECT ASSIGNEE DATA UNDER 37 CFR 3.81", filed June 9, 2009.

The petition is **GRANTED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.[1] However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

(A) the processing fee required by 37 CFR 1.17(i);

(B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;

(C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

[1] See 37 CFR 3.81.

(D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).[2]

Receipt of the $130 processing fee set forth in 37 CFR 1.17(i) and the $100 fee for the Certificate of Correction set forth in 37 CFR 1.20(a) is acknowledged.

The file is being forwarded to the Certificate of Corrections Branch for issuance of the requested Certificate of Correction.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

[2] MPEP 307.

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Ezra Sutton PA
Suite 201
Plaza 9
900 Route 9 North
Woodbridge NJ 07095-1095

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JUN 23 2008

OFFICE OF PETITIONS

In re Application of :
James w. Burrell, IV :
Application No. 11/643,566 :
Filed: December 20, 2006 :
Attorney Docket No. BURRELL 3.0-016

ON PETITION

This is a decision on the petition to withdraw the holding of abandonment filed June 4, 2008, and in duplicate n June 9, 2008.

The petition is **DISMISSED**.

The above-identified application became abandoned on April 11, 2008, for failure to file a timely and proper response to the Notice of Allowance and Issue Fee Due, mailed January 10, 2008. The notice set a statutory period for reply of three-months from its mailing date. A Notice of Abandonment was mailed May 5, 2008.

The instant petition was filed June 4, 2008. Petitioner maintains that the issue fee was not paid because an amendment under 37 CFR 1.312 was filed to which petitioner received no response. Although there is no record of the amendment in the application file, the copy of the amendment filed with the petition contains a certificate of mailing under 37 CFR 1.8 dated January 25, 2008. Petitioner argues that the application was improperly abandoned because a reply, in the form of the amendment under 37 CFR 1.312, was timely filed.

Petitioner's argument has been considered, but is not persuasive. After the Notice of Allowance is issued, the only proper responses are payment of the issue fee or filing of Request for Continued Examination. The filing of an amendment under 37 CFR 1.312 does not toll the time set for reply by the Notice of Allowance and Issue Fee Due. It is further noted that consideration of an amendment under 37 CFR 1.312 cannot be demanded as a matter of right and is considered and entered at the discretion of the primary examiner. See MPEP 714.16. Accordingly, the application was properly abandoned as a proper response to the Notice of Allowance and Issue Fee Due was not timely received. The petition is dismissed accordingly[1].

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee ($1540.00 for a large entity and $770.00 for a verified small entity), and a

[1] Petitioner is advised that, prior to rendering this decision, the undersigned consulted with her supervisor, Anthony Knight, as to the most appropriate course of action.

statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Peter Kroos	: DECISION ON REQUEST FOR
Patent Number	: 7597078	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/643,610	: 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 **342** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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AUG 30 2007

OFFICE OF PETITIONS

MORGAN, LEWIS & BOCKIUS LLP
1701 MARKET STREET
PHILADELPHIA, PA 19103-2921

In re Application of
David Berd
Application No. 11/643,626
Filed: December 20, 2006
Attorney Docket No. 061266-5007-01

DECISION GRANTING PETITION

This is a decision in response to the petition filed April 20, 2007, requesting that the above-identified application be accorded a filing date of December 20, 2006, instead of the presently accorded date of December 21, 2006.

Petitioner alleges that the application was deposited in "Express Mail" Service with the U. S. Postal Service (USPS) on December 20, 2006. In support, petitioners provide, *inter alia*, a copy of the "Express Mail" mailing label receipt No. EV 2689217058 US, showing a "Date-In" of "12 20 06". The same Express Mail receipt number appears on the application transmittal letter found in the file.

It is noted that the copy of the Express Mail label receipt also includes a USPS stamp which is not legible. Accordingly, restoration of the USPS Track/Confirm record for Express Mail Label No. EV 2689217058 US was requested. The record corroborates acceptance of the "Express Mail" package in question on December 20, 2006 at 4:54pm.

The evidence is convincing that the Express Mail package was entrusted to the USPS on December 20, 2006, as shown by the "Date-In" and that this application is entitled to a filing date of December 20, 2006.

The petition is **granted**. Under the circumstances, no petition fee is required. The $400 petition fee is being refunded in the form of a credited to counsel's deposit account.

The application is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **December 20, 2006** and issuance of a corrected filing receipt.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
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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MAY 23 2007

OFFICE OF PETITIONS

WESTMAN CHAMPLIN & KELLY PA
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402-3319

In re Application of	:	
Beaver, et al.	:	
Application No. 11/643,629	:	
Filing Date: December 21, 2006	:	DECISION REFUSING
Attorney Docket No. S01.12-1035	:	STATUS UNDER § 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed March 29, 2007.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventors. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on December 21, 2006, without an oath or declaration. Accordingly, on January 29, 2007, the Office of Initial Patent Examination mailed a Notice to File Missing Parts, requiring a oath or declaration, together with a surcharge for its late filing. In response, applicants

filed the instant petition on March 29, 2007. Accompanying the petition was a declaration executed by inventors Thibadeau and Hars, but with the signature block for inventor Beaver left blank.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s). The instant petition does not satisfy requirement (1).

As to requirement (1), there has been no showing that non-signing inventor Beaver was presented with the application papers (specification, claims, drawings, oath or declaration). Petitioner states that the papers were transmitted in an e-mail message. Accordingly, the Office would like to see a copy of the e-mail transmitting the application papers. It would also be beneficial if petitioner could provide a delivery confirmation indicating that the e-mail was successfully transmitted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision 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

WESTMAN CHAMPLIN & KELLY PA
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402-3319

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OFFICE OF PETITIONS

In re Application of	:	
Beaver, et al.	:	
Application No. 11/643,629	:	
Filing Date: December 21, 2006	:	DECISION ACCORDING
Attorney Docket No. S01.12-1035	:	STATUS UNDER § 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed June 14, 2007.

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on December 21, 2006, without an oath or declaration. Accordingly, on January 29, 2007, the Office of Initial Patent Examination mailed a Notice to File Missing Parts, requiring a oath or declaration, together with a surcharge for its late filing. In response, applicants filed the a petition under 37 CFR 1.47(a) on March 29, 2007. Accompanying the petition was a declaration executed by inventors Thibadeau and Hars, but with the signature block for inventor Beaver left blank. However, the petition was dismissed in a decision mailed on May 23, 2007.

On renewed petition, Rule 47 applicant has overcome the objection set forth in the May 23, 2007 dismissal. Accordingly, the application is hereby accorded Rule 1.47(a) status.

Pursuant to 37 CFR 1.47(c), this Office will forward notice of this application's filing to Beaver at the last known address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being forwarded to Group Art Unit 2131 for docketing and examination in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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VERTEX PHARMACEUTICALS INC.
130 WAVERLY STREET
CAMBRIDGE, MA 02139-4242

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In re Application of :
Peter D.J. Grootenhuis, et al. :
Application No. 11/643,634 : ON PETITION
Filed: December 21, 2006 :
Attorney Docket No. VPI/05-200 US :

This is a decision on the petition under 37 CFR 1.137(b), filed October 2 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts (Notice) mailed February 21, 2007. The Notice set a period for reply of two (2) months and required the statutory basic filing fee, search fee, examination fee, additional claim fees, an oath or declaration under 37 CFR 1.63 and the surcharge under 37 CFR 1.16(f). A Notice of Abandonment was mailed on July 21, 2008. In response, on October 2, 2008, the present petition was filed.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Michael C. Badia appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $330 basic filing fee, $540 search fee, $220, examination fee, $2,418 additional claim fees, $130 surcharge, and a declaration under 37 CFR 1.63; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay[1]

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing using the declaration filed October 2, 2008.

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APR 13 2009

OFFICE OF PETITIONS

MUNCY, GEISSLER, OLDS & LOWE, PLLC
P.O. BOX 1364
FAIRFAX, VA 22038-1364

In re Application of
Wen-Haw CHEN
Application No. 11/643,658
Filed: December 22, 2006
Docket No. 3313-1383PUS1

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 23, 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, July 9, 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 October 10, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 3632 for appropriate action by the Examiner in the normal course of business on the reply received February 23, 2009.

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

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OFFICE OF PETITIONS

In re Application of :
Chi-Lung Liu et al. :
Application No. 11/643,666 :
Filed: December 22, 2006 :
Attorney Docket No. 138317 :

ON PETITION

This is a decision on the petition filed October 14. 2008, under 37 CFR § 1.183 requesting waiver of 37 CFR § 1.64 as it relates to a concurrently filed petition under 37 CFR § 1.48(a)(2).

The petition under 37 CFR § 1.183 is **GRANTED**.
The petition under 37 CFR § 1.48 is **GRANTED**.

Petitioner seeks waiver of the rules such that the petition under 37 CFR 1.48 may be considered in the absence of the signatures on the required supplemental declaration of the originally named inventors. The application was filed naming Chih-Lung Liu, Chin-Chun Tseng and Jiann-Hsing Chuang and seeks under 37 CFR § 1.48(a) to amend the inventive entity by the addition of Sharon J. Park and Daniel J. Stone.

37 CFR § 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

(1) a petition including a statement from *each person being added* and from each person being deleted as an inventor that the error occurred without deceptive intention on his or her part;
(2) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47;
(3) the fee set forth in 37 CFR 1.17 (h); and
(4) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

The declaration filed with the petition is signed by the added inventors, each with a statement that through error and without deceptive intent, the original application improperly set forth the inventorship. All of the original inventors have signed the supplemental declaration except joint inventor Chuang.
The petition is also accompanied by the proper petition fees and a consent of assignee

however, while petitioners assert that the supplemental declaration has been forwarded to Mr. Chuang, they argue that to date he has not returned an executed copy of same.

The supplemental declaration has been reviewed and found in compliance with 37 CFR §§ 1.67 and 1.63. In view of the foregoing evidence provided, it is concluded that waiver of the requirement that the supplemental declaration be signed by joint inventor Chuang is appropriate.

The petition bears proof that the nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and, accordingly, this application has been corrected in compliance with 37 CFR 1.48. The inventorship of this application has been changed by the addition of Sharon J. Park and Daniel J. Stone as joint inventors.

This matter will be referred to the Office of Patent Application Processing for issuance of a corrected filing receipt, correction of the file and PTO PALM data to reflect the inventorship as corrected. Thereafter, the matter will be referred to Technology Center 3711 for further examination as appropriate.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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DIW May-07

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH VA 22042

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MAY 22 2007

OFFICE OF PETITIONS

In re Application of	:	
Yuichiro Tomoshima	:	
Application No. 11/643,678	:	DECISION DISMISSING PETITION
Filed: 22 December, 2006	:	
Atty Docket No. 249/611	:	

This is a decision in reference to the "PETITION FOR DATE OF DEPOSIT" filed on 20 March, 2007, requesting that the above-identified application be accorded a filing date of 22 December, 2006, with Figure 3A described in the specification as a part of the original disclosure.

The petition is dismissed.

On 22 December, 2006, the application was filed.

Accordingly, on 1 February, 2007, Initial Patent Examination Division mailed a "Notice of Omitted Item(s) In a Nonprovisional Application" stating that the application had been accorded a filing date of 22 December, 2006, but that Figure 3a described in the specification appeared to have been omitted.

In response, on 20 March, 2007, the present petition and a copy of one (1) sheet of drawings containing Figure 3A were filed.

Petitioners apparently concede that Figure 3A was missing from the drawings as filed, but argue that the omitted Figure 3A is contained in the disclosure of foreign Japanese application No. 2005-372962, the disclosure of which is incorporated by reference in the present application. A certified copy of the foreign application was also filed with the original application papers on 20 March, 2007.

The mailing of a "Notice of Omitted Items" permits the applicant to either: (1) promptly establish prior receipt in the USPTO of the drawing(s) at issue (generally by way of a date-stamped

postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing drawings were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)).

In this case, however, petitioners neither assert that the sheet of drawings containing Figure 3A was deposited on 22 December, 2006, nor request the 20 March, 2007 (the date the sheet of drawings containing Figure 3A was supplied), filing date.

As Figure 3A was not present among the drawing figures deposited on 22 December, 2006, the application cannot be accorded a filing date of 22 December, 2006, with the sheet of drawings containing Figure 3A as a part of the original disclosure. Still further, the question of new matter is not an issue here: Figure 3A simply was not filed in the USPTO on 22 December, 2006.

MPEP 201.06(c)(IV) states that:

> An applicant may incorporate by reference the prior application by including, in the continuation or divisional application-as-filed, an explicit statement that such specifically enumerated prior application or applications are "hereby incorporated by reference." The statement must appear in the specification. See 37 CFR 1.57(b) and MPEP § 608.01(p). The inclusion of this incorporation by reference statement will permit an applicant to amend the continuation or divisional application to include subject matter from the prior application(s), <u>without the need for a petition</u> provided the continuation or divisional application is entitled to a filing date notwithstanding the incorporation by reference.
>
> (emphasis added)

Obviously, in view of the incorporation by reference of the prior application, a copy of which was supplied, Figure 3A described in the specification is not new matter if it were a part of the disclosure of the prior application.

Petitioner should file the sheet of drawings containing Figure 3A as a preliminary amendment. If Figure 3A is filed as a preliminary amendment, it will be reviewed by the examiner for new matter.

As the Notice mailed on 1 February, 2007, properly stated that Figure 3A *appeared* to have been omitted, the Notice was properly mailed and will not be withdrawn.

The application will be processed using only the application papers present on filing. The copy of the one sheet of drawings containing Figure 3A filed with the present petition will not be processed for examination, but will be retained in the application file.

As this petition was necessitated by applicants' filing error rather than an error on the part of the Office, the petition fee will not be refunded.

The application is being returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

McDERMOTT WILL & EMERY, LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20006-1021

AUG 16 2007

In re Application of	:	
Tsutomu KANNO	:	DECISION ON REQUEST TO
Application No. 11/643708	:	PARTICIPATE IN PATENT
Filed: December 22, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 071025-0025	:	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 July 16, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

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

PTO/SB/20 (01-07)
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 JPO AND THE USPTO

Application No.:	11/643,708	First Named Inventor:	Kanno, Tsutomu
Filing Date:	December 22, 2006	Attorney Docket No.:	071025-0025
Title of the Invention:	Thermoelectric Conversion Device, and Cooling method and Power Generation method using the same		

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 TO 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).

The JPO application number(s) is/are: JP 2006-529383

The filing date of the JPO application(s) is/are: September 11, 2006

Note: JP application 2006-529383 claims domestic priority to 2005-235738

I. List of Required Documents:

a. **A copy of all JPO office actions (excluding "Decision to Grant a Patent") application(s).**

☐ Is attached.

☐ 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).**

☑ 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 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 is attached.

Copies of all documents are attached except for U.S. patents or U.S. patent application publications.

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 (01-07)
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 JPO AND THE USPTO

(continued)

Application No.:	11/643,708	First Named Inventor:	Kanno, Tsutomo

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in JP Application	Explanation regarding the correspondence
1-16	1-16	Claims are the same.

Charge petition fee to Deposit acct.

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the JPO 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. 500417.

☐ Credit Card. Credit Card Payment Form (PTO-2038) is attached.

Signature		Date	7/16/07
Name (Print/Typed)	Michael E. Fogarty	Registration Number	36,139

Docket No.: 071025-0025 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 53080
Tsutomu KANNO, et al.	:	Confirmation Number: 4786
Application No.: 11/643,708	:	Group Art Unit: 1753
Filed: December 22, 2006	:	Examiner: Not Yet Assigned

For: THERMOELECTRIC CONVERSION DEVICE, AND COOLING METHOD AND POWER GENERATION METHOD USING THE SAME

REQUIRED STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with Subsection II.B. of the June 13, 2006 Notice concerning the Patent Prosecution Highway, Applicants state that the enclosed translation of the claims of the corresponding Japanese application is accurate.

Respectfully submitted,

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VERIFICATION OF TRANSLATION

U.S. Patent Application No. 11/643,708

Applicant: Tsutomu KANNO et al.

Filed on December 22, 2006

Title of the Invention:

THERMOELECTRIC CONVERSION DEVICE, AND COOLING METHOD AND POWER GENERATION METHOD USING THE SAME

I, Keiko KENCHU, whose full post office address is c/o Seiran International Patent Firm, 7th Fl., Tomoe Marion Bldg., 4-3-1, Nishitenma, Kita-ku, Osaka-shi, Osaka 530-0047 Japan,

state that the following is a true translation to the best of my knowledge and belief of the claims of JP 2006-529383 (International Filing Date: July 25, 2006).

At Osaka, Japan

Dated this 18/ 06/ 2007 (Day/Month/Year)

Keiko Kenchu

Keiko KENCHU

English translation of the patented claims of JP 2006-529383

CLAIMS

1. A thermoelectric conversion device, comprising:

a first electrode;

a second electrode; and

a layered oxide arranged between the first electrode and the second electrode, wherein

the first electrode, the layered oxide, and the second electrode are arranged in this order so that a multilayer is formed,

the layered oxide is formed of electric conductive layers and electric insulating layers being alternately stacked,

a C axis of the layered oxide is perpendicular to an interface between the first electrode and the layered oxide, and

an area of the second electrode is smaller than that of the first electrode.

2. The thermoelectric conversion device according to claim 1, wherein the device functions as a cooling element by applying an electric current between the first electrode and the second electrode.

3. The thermoelectric conversion device according to claim 2, wherein the electric current is a pulse current.

4. The thermoelectric conversion device according to claim 1, wherein the device functions as a power generation element by a temperature difference applied between the first electrode and the second electrode.

5. The thermoelectric conversion device according to claim 1, wherein an area ratio of the second electrode to the first electrode is in a range of 1.0×10^{-5} to 0.05.

6. The thermoelectric conversion device according to claim 5, wherein the area ratio of the second electrode to the first electrode is 2.0×10^{-3} or less.

7. The thermoelectric conversion device according to claim 6, wherein the area ratio of the second electrode to the first electrode is 5.0×10^{-4} or less.

8. The thermoelectric conversion device according to claim 1, wherein the electric conductive layer contains a cobalt oxide, and the electric insulating layer contains at least one element selected from the group consisting of alkaline metal elements, alkaline-earth metal elements, Bi, and Pb.

9. The thermoelectric conversion device according to claim 1, wherein when M denotes a metal element, the electric conductive layer is formed of MO_2 octahedrons in which ridges are shared.

10. The thermoelectric conversion device according to claim 9, wherein M is Co.

11. The thermoelectric conversion device according to claim 1, wherein a composition formula of the layered oxide is $Bi_{2-x}Pb_xSr_2Co_2O_y$ ($0 \leq x \leq 0.5$, $7.5 \leq y \leq 8.5$),
the electric conductive layer is formed of CoO_2 octahedrons in which ridges are shared, and
the electric insulating layer is formed of a rock salt-type insulating layer composed of four atomic layers.

12. The thermoelectric conversion device according to claim 1, wherein a composition formula of the layered oxide is $((Ca_{1-x1}Sr_{x1})_{1-x2}Bi_{x2})_3Co_4O_y$ ($0 \leq x1 \leq 1$, $0 \leq x2 \leq 0.3$, $8.5 \leq y \leq 9.5$),
the electric conductive layer is formed of CoO_2 octahedrons in which ridges are shared, and
the electric insulating layer is formed of a rock salt-type insulating layer composed of three atomic layers.

13. The thermoelectric conversion device according to claim 1, wherein a composition formula of the layered oxide is $(Ca_{1-x1}Sr_{x1})_{x2}CoO_y$ ($0 \leq x1 \leq 1$, $0.1 \leq x2 \leq 0.8$, $1.5 \leq y \leq 2.5$),

the electric conductive layer is formed of CoO_2 octahedrons in which ridges are shared, and

the electric insulating layer is formed of a rock salt-type insulating layer composed of one atomic layer.

14. The thermoelectric conversion device according to claim 1, comprising a plurality of the second electrodes.

15. A cooling method using the thermoelectric conversion device according to claim 1, wherein

a temperature difference is generated between the first electrode and the second electrode by application of a voltage between the first electrode and the second electrode so that an electric current is passed therethrough, whereby either one of the first electrode or the second electrode is made a lower temperature part.

16. A generating power method using the thermoelectric conversion device according to claim 1, wherein

a potential difference is generated between the first electrode and the second electrode by providing a temperature difference between the first electrode and the second electrode.

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最終頁に続く

(54)［発明の名称］熱電変換デバイス、並びにそれを用いた冷却方法および発電方法

(57)【特許請求の範囲】

【請求項１】

第１電極と、

第２電極と、

前記第１電極および前記第２電極との間に挟まれた層状酸化物と、を有し、

前記第１電極、前記層状酸化物および前記第２電極がこの順に配置されて多層体を形成しており、

前記層状酸化物は、電気伝導層と電気絶縁層とが交互に配置されてなり、

前記層状酸化物のｃ軸は、前記第１電極と前記層状酸化物との間の界面に対して垂直であり、

前記第２電極の面積が、前記第１電極の面積よりも小さい、熱電変換デバイス。

【請求項２】

前記第１電極と前記第２電極との間に流される電流によって冷却素子として機能する、請求項１に記載の熱電変換デバイス。

【請求項３】

前記電流がパルス電流である、請求項２に記載の熱電変換デバイス。

【請求項４】

前記第１電極と前記第２電極との間に印加される温度差によって電力発生素子として機能する、請求項１に記載の熱電変換デバイス。

【請求項５】

前記第１電極の面積に対する前記第２電極の面積の比が、１．０×１０$^{-5}$以上０．０５以下である、請求項１に記載の熱電変換デバイス。

【請求項６】

前記第１電極の面積に対する前記第２電極の面積の比が、２．０×１０$^{-3}$以下である、請求項５に記載の熱電変換デバイス。

【請求項７】

前記第１電極の面積に対する前記第２電極の面積の比が、５．０×１０$^{-4}$以下である、請求項６に記載の熱電変換デバイス。

【請求項８】

前記電気伝導層が、コバルト酸化物を含み、

前記電気絶縁層が、アルカリ金属元素、アルカリ土類金属元素、ＢｉおよびＰｂから選ばれる少なくとも１種の元素を含む、請求項１に記載の熱電変換デバイス。

【請求項９】

金属元素をＭと表記した場合、前記電気伝導層が、稜を共有するMO_2八面体からなる、請求項１に記載の熱電変換デバイス。

【請求項１０】

ＭがＣｏである、請求項９に記載の熱電変換デバイス。

【請求項１１】

前記層状酸化物の組成式が、$Bi_{2-x}Pb_xSr_2Co_2O_y$（$0 \leqq x \leqq 0.5$、$7.5 \leqq y \leqq 8.5$）であり、

前記電気伝導層が、稜を共有するCoO_2八面体からなり、

前記電気絶縁層が、４原子層の岩塩型絶縁層からなる、請求項１に記載の熱電変換デバイス。

【請求項１２】

前記層状酸化物の組成式が、$((Ca_{1-x1}Sr_{x1})_{1-x2}Bi_{x2})_3Co_4O_y$（$0 \leqq x1 \leqq 1$、$0 \leqq x2 \leqq 0.3$、$8.5 \leqq y \leqq 9.5$）であり、

前記電気伝導層が、稜を共有するCoO_2八面体からなり、

前記電気絶縁層が、３原子層の岩塩型絶縁層からなる、請求項１に記載の熱電変換デバイス。

【請求項１３】

前記層状酸化物の組成式が、$(Ca_{1-x1}Sr_{x1})_{x2}CoO_y$（$0 \leqq x1 \leqq 1$、$0.1 \leqq x2 \leqq 0.8$、$1.5 \leqq y \leqq 2.5$）であり、

前記電気伝導層が、稜を共有するCoO_2八面体からなり、

前記電気絶縁層が、１原子層からなる、請求項１に記載の熱電変換デバイス。

【請求項１４】

前記第２電極が複数設けられている、請求項１に記載の熱電変換デバイス。

【請求項１５】

請求項１に記載の熱電変換デバイスを用いる冷却方法であって、

前記第１電極と前記第２電極との間に電圧を印加して電流を流すことによって前記第１電極と前記第２電極との間に温度差を生じさせ、前記第１電極および前記第２電極の何れか一方を低温部とする冷却方法。

【請求項１６】

請求項１に記載の熱電変換デバイスを用いる発電方法であって、

前記第１電極と前記第２電極との間に温度差を印加することによって、前記第１電極と前記第２電極との間に電位差を生じさせる発電方法。

【発明の詳細な説明】

【技術分野】

【０００１】

本発明は、熱エネルギーと電気エネルギーとを相互に変換することのできる熱電変換材料を用いた熱電変換デバイスと、それを用いた冷却方法および発電方法とに関する。

【背景技術】

【０００２】

熱電変換は、物質に温度勾配を付けたときに起電力が生じるゼーベック効果と、物質中に電流を流した際に温度勾配が生じるペルチェ効果とを利用した技術である。

【０００３】

より具体的には、例えばｐ型半導体とｎ型半導体といったキャリアの符合が互いに異なる２つの物質を、熱的に並列に、かつ、電気的に直列に接続した構成によって、温度差を印加した場合にはゼーベック効果による熱電発電を、電流を流した場合にはペルチェ効果による熱電冷却を行う技術である。

【０００４】

熱電変換を利用した技術は、現状では他の技術に比べて効率が低いので、僻地用電源、宇宙用電源、電子機器などの局所冷却、ワインクーラーなどの、ごく限られた特殊用途にのみ利用されている。

【０００５】

熱電変換デバイスに用いられる熱電変換材料の性能は、性能指数Ｚ、または、Ｚに絶対温度Ｔをかけて無次元化された性能指数ＺＴで評価される。

【０００６】

ＺＴは、物質のゼーベック係数Ｓ、電気抵抗率ρおよび熱伝導率κ、を用いて、$ZT = S^2T/\rho\kappa$で記述される量で、ＺＴの値が大きい材料ほど熱電変換材料として優れていることになる。

【０００７】

現在、特殊用途ながらも実用として主に用いられている熱電変換材料は、半導体のBi_2Te_3である。

【０００８】

しかしながら、Bi_2Te_3には、高温での不安定性、毒性、元素が豊富には存在しないこと、などの問題がある。

【０００９】

層状酸化物のNa_xCoO_2が良い熱電変換性能を示す物質であることが発見されて以来（特開平９－３２１３４６号公報（文献１）および国際公開第０３／０８５７４８号パンフレット（文献２）参照）、より高い熱電変換性能を持つ層状酸化物の発見を目指し、鋭意、物質を探索することが行われている。

【００１０】

層状酸化物は、高温空気中でも安定であるなどの利点を持つ。

【００１１】

また、層状酸化物の大きな特徴として、次元異方性が強いこと、多くの物質は電気伝導を担う２次元の電気伝導層と電気絶縁層とからなる層状の結晶構造（以下、層状構造という場合がある。）を持つこと、が挙げられる。

【００１２】

図１に、CoO_2からなる電気伝導層と、Ｎａからなる電気絶縁層とが、１モノレイヤーごとにｃ軸方向に積層した、Na_xCoO_2の結晶構造を示す。

【００１３】

Na_xCoO_2の熱電特性は異方性が強く、$S\perp c/S\parallel c\sim 2$、$\rho\perp c/\rho\parallel c\sim 0.025$程度である。

【００１４】

ここで、ｃ軸に対して垂直方向、すなわち層状構造に対して（各層に対して）平行方向のゼーベック係数と電気抵抗率とをそれぞれ$S\perp c$と$\rho\perp c$と表し、ｃ軸に対して平行方向、すなわち層状構造に対して（各層に対して）垂直方向のゼーベック係数と電気抵抗率とをそれぞれ$S\parallel c$と$\rho\parallel c$と表している。

【００１５】

すなわち、Na_xCoO_2については、ＺＴで比較した場合、ｃ軸に対して垂直方向の方

がｃ軸方向よりも特性が良いと考えられている。

【００１６】

したがって、従来においては、層状酸化物のｃ軸に対して垂直方向、すなわち層構造に対して平行方向にキャリアまたは熱が流れるように熱電変換デバイスを構成することが、効率の面から有利であるとされてきた。

【００１７】

一方、通常の方法で作製される熱電変換材料は、結晶配向性を持たない多結晶である。したがって、このような多結晶材料を用いて、ｃ軸に対して垂直方向にのみキャリアまたは熱が流れるような構成にすることは、事実上不可能である。

【００１８】

また、多結晶材料中に多数存在する結晶粒界においてキャリアが散乱され電気抵抗が増大することも、性能悪化の要因になる。

【００１９】

このような理由から、熱電変換材料としては、結晶方位の揃った状態のものを作製する必要がある。結晶方位の揃った熱電変換材料を作製する方法として、例えば薄膜の場合は、Al_2O_3の単結晶Ｃ面基板をテンプレートとして用いるなどして結晶配向を制御する方法が挙げられる。

【００２０】

現状では、Bi_2Te_3や層状酸化物をもってしても、通常のデバイス構成では性能が不十分であり、民生用途での本格的な実用化のためにはさらなる性能の向上が必要である。

【００２１】

一方、材料自体のＺＴを向上させる試みとは別に、デバイス構成の改善による効率向上を目指した試みもある。

【００２２】

Ｓｈａｋｏｕｒｉらは、放熱側の電極に比べて小面積の冷却側電極を配置した熱電冷却デバイスを提案している（Ａｐｐｌｉｅｄ Ｐｈｙｓｉｃｓ Ｌｅｔｔｅｒｓ Ｖｏｌ．８５，ｐｐ．２９７７－２９７９ （２００４）（文献３）参照）。

【００２３】

しかし、この熱電冷却デバイスに用いられているのは等方的な熱電特性を有する材料であるため、上記の構成では、材料内での電流の拡散を促進し、ジュール熱の戻りを抑制する以外の効果は無かった。したがって、高々数倍程度効率が向上するのみであり、十分な効率を有するデバイスの実現には至っていない。

【００２４】

前述の通り、従来の熱電変換デバイスは性能が十分ではなく、民生用途で一般的に用いられるに足るだけの十分な効率を得ることができなかった。

【発明の開示】

【００２５】

そこで、本発明は、高効率の熱電変換デバイスと、それを用いた冷却方法および発電方法とを提供することを目的とする。

【００２６】

本発明者らは、実用的な性能を持つ熱電変換デバイス実現のため、層状酸化物の熱電変換材料を用いたデバイス構成に関して鋭意研究を重ねてきた結果、層状酸化物の層状構造を挟み込むように、面積の異なる電極を配置した熱電変換デバイスにおいて、熱電特性が従来と比較して大幅に向上するという意外な知見を見出し、この知見に基づいて、この熱電効果性能を有効に発揮することが可能な本発明の熱電変換デバイスの発明に至った。

【００２７】

本発明の熱電変換デバイスは、第１電極と、第２電極と、前記第１電極および前記第２電極との間に挟まれた層状酸化物と、を有し、前記第１電極、前記層状酸化物および前記第２電極がこの順に配置されて多層体を形成しており、前記層状酸化物は、電気伝導層と電気絶縁層とが交互に配置されてなり、前記層状酸化物のｃ軸は、前記第１電極と前記層

状酸化物との間の界面に対して垂直であり、前記第２電極の面積が、前記第１電極の面積よりも小さくなるように構成されている。

【００２８】

なお、本発明において、「電極の面積」とは、特に説明がない限り、電極と層状酸化物とが形成する界面の面積、すなわち電極と層状酸化物との接合面積のことである。また、本発明において、層状酸化物のｃ軸が第１電極と層状酸化物との間の界面に対して「垂直」とは、層状酸化物のｃ軸と前記界面とのなす角度が、後述する本発明の特異な効果が得られる程度の角度範囲内にある場合も含む意味である。すなわち、本発明においては、本発明の特異な効果が得られる場合であれば、それも「垂直」に含むものであり、例えば、０°～１５°の範囲内と考えられる。

【００２９】

本発明の熱電変換デバイスによれば、異方的な電気伝導度を有する層状酸化物と、前記層状酸化物を挟み込むように配置された面積の異なる電極（第１電極および第２電極）と、の間における特異な効果により、高い熱電変換特性が得られる。これにより、従来の性能を超える高効率の熱電変換が可能となり、実用的な熱電変換デバイスを実現できる。

【００３０】

また、本発明の熱電変換デバイスには、フォトリソグラフィーなどの従来の薄膜素子形成のプロセスが適用できるので、微細な素子設計および製造が容易となる。すなわち、熱と電気とのエネルギー変換の応用を促進させることができるため、本発明の工業的価値は高い。

【００３１】

本発明の冷却方法は、上記した本発明の熱電変換デバイスを用いる方法であって、前記第１電極と前記第２電極との間に電圧を印加して電流を流すことによって前記第１電極と前記第２電極との間に温度差を生じさせ、前記第１電極および前記第２電極の何れか一方を低温部とする方法である。

【００３２】

本発明の発電方法は、上記した本発明の熱電変換デバイスを用いる方法であって、前記第１電極と前記第２電極との間に温度差を印加することによって、前記第１電極と前記第２電極との間に電位差を生じさせる方法である。

【発明を実施するための最良の形態】

【００３３】

以下、本発明の実施の形態について、図面を参照しながら説明する。

【００３４】

（実施の形態１）

図２は、本発明の実施の形態１における熱電変換デバイスの構成を示した断面図である。

【００３５】

図２に示す本実施の形態の熱電変換デバイスは、第１電極２１、材料層２２、第２電極２３がこの順に配置された多層体（積層体）によって形成されている。材料層２２は層状の結晶構造を有する層状酸化物によって形成されており、その層状構造を挟むように（その層状構造を層に平行な面で挟むように）第１電極２１および第２電極２３が配置されている。

【００３６】

以降、特に説明が無い限り、「電極の面積」と記載した場合、電極と材料層２２とが形成する界面の面積、すなわち電極と材料層２２との接合面積を表すこととする。

【００３７】

本実施の形態の熱電変換デバイスでは、第１電極２１の面積に比較して第２電極２３の面積が小さいことを特徴とする。

【００３８】

大きな熱電変換効果を得るためには、第１電極２１の面積が第２電極２３の面積の２０

倍以上であることが好ましい。言い換えると、第１電極２１と第２電極２３の面積比（（第２電極の面積）／（第１電極の面積））は、０．０５以下であることが好ましい。より好ましい面積比は、２．０×１０$^{-3}$以下であり、５．０×１０$^{-4}$以下であることがさらにより好ましい。また、第１電極２１と第２電極２３の面積比は、１．０×１０$^{-5}$以上が好ましい。

【００３９】

層状の結晶構造を持つ熱電変換材料には層状酸化物などがあるが、結晶学的にはこれらの物質の結晶の層間方向、すなわち層に対してほぼ垂直な方向をｃ軸方向と呼んでいる。

【００４０】

本実施の形態の熱電変換デバイスでは、材料層２２は、薄膜または単結晶で形成されている。薄膜の場合は、ｃ軸配向した薄膜または単結晶エピタキシャル薄膜である。

【００４１】

前述のいずれの場合も、結晶のｃ軸が、第２電極２３が配置される材料層２２の端面に対してほぼ垂直になるような結晶配向をとる。

【００４２】

図２に示したように、第１電極２１および第２電極２３は、材料層２２の層状構造を挟むように形成され、第１電極２１と第２電極２３との間に電圧を印加した際、材料層２２の結晶のｃ軸方向に平行、すなわち層構造に対して垂直方向に電流が流れるようになっている。

【００４３】

この構成は、ｃ軸に対して垂直方向に電流を流す方が効率が良いと考えられてきた通常の概念とは異なる。

【００４４】

第１電極２１は電気伝導の良い材料であれば特に限定されるものでないが、材料層２２が薄膜の場合は、材料層２２がｃ軸配向成長もしくは単結晶状にエピタキシャル成長する基点となるような材料を用いるのが好ましい。

【００４５】

具体的には、結晶配向したＰｔ、Ｔｉ、Ａｕ、Ｃｒ、Ｎｉ、Ｉｒ、Ｒｕなどの金属、ＴｉＮ、IrO_2、RuO_2、$SrRuO_3$、ＩＴＯ（スズ添加酸化インジウム）などの窒化物または酸化物が好適に用いられる。

【００４６】

第２電極２３は電気伝導の良い材料であれば特に限定されない。具体的には、Ｐｔ、Ａｕ、Ａｇ、Ｃｕ、Ａｌ、Ｔｉ、Ｃｒ、Ｗなどの金属またはＴｉＮ、IrO_2、RuO_2、$SrRuO_3$、ＩＴＯなどの窒化物または酸化物が好適に用いられる。

【００４７】

材料層２２は、層状の結晶構造を持ち、かつ、結晶中の方位によって電気伝導度が異なる層状酸化物である。この層状酸化物は、空気中で安定である点で、半導体などの他の熱電変換材料と比較して有利である。

【００４８】

この中で熱電変換特性に優れている材料は、例えば図１に示したような層状酸化物である。この層状酸化物は、電気伝導層１１と電気絶縁層１２とが交互に積層し、電気伝導層１１がCoO_2八面体によって構成される結晶構造であり、ペロブスカイト型の他に特に良く知られている結晶構造は、CoO_2八面体が互いに稜を共有しながら層を形成する、いわゆるCdI_2型構造から成る結晶構造である。

【００４９】

Na_xCoO_2をはじめとするCdI_2型構造を有する層状酸化物は、他の酸化物と比較して熱電変換特性が高く、本実施の形態の熱電変換デバイスを構成するのに適している。

【００５０】

ここで、電気絶縁層１２の各層は、１層以上の原子層または酸化物の層によって、互いに隔てられている。

【００５１】
より具体的には、電気絶縁層１２として図３に示したような４層の岩塩構造（４原子層の岩塩型絶縁層）である$Sr_2Bi_2O_4$が挿入された$Bi_2Sr_2Co_2O_y$や、結晶の安定性を強化するためにＢｉの一部をＰｂで置き換えた$Bi_{2-x}Pb_xSr_2Co_2O_y$などを挙げることができる。

【００５２】
ここで、ｘは材料が安定に作製できる範囲であれば良く、具体的には$0 \leqq x \leqq 0.5$である。

【００５３】
酸素の組成は化学量論比では$y=8$となるが、作製条件などにより不定比性が存在することが考えられることと、酸素量の測定が困難であること、などから、ｙは$7.5 \leqq y \leqq 8.5$の範囲にあると考えられる。

【００５４】
この電気絶縁層１２は、３層の岩塩構造（３原子層の岩塩型絶縁層）をとることも可能である。その場合の層状酸化物の組成式は、$((Ca_{1-x1}Sr_{x1})_{1-x2}Bi_{x2})_3Co_4O_y$（$0 \leqq x1 \leqq 1$、$0 \leqq x2 \leqq 0.3$、$8.5 \leqq y \leqq 9.5$）となる。

【００５５】
ｘ１、ｘ２およびｙの範囲は、前述の$Bi_{2-x}Pb_xSr_2Co_2O_y$と同様の理由から規定される。

【００５６】
さらに、電気絶縁層１２は、図１のように１層（１原子層）であることも可能である。このときの材料層２２の化学式は、A_xCoO_2と表される。

【００５７】
ここで、Ａ元素は、Ｎａ、Ｋ、Ｌｉなどのアルカリ金属、Ｃａ、Ｓｒ、Ｂａなどのアルカリ土類金属のうち少なくとも１種類の元素からなる。

【００５８】
なお、Ａ元素の一部を、Ｈｇ、Ｔｌ、Ｐｂ、Ｂｉに置換してもよい。

【００５９】
電気絶縁層１２は、Ａ元素によって構成される。Ａ元素はアルカリ金属やアルカリ土類金属などの金属元素からなるが、これらの元素は結晶中の各サイトを１００ｘ％の割合でランダムに占有しているためにキャリアの散乱が頻繁に起こり、たとえ単体で金属であるものを用いても電気絶縁的な性質を持つ。

【００６０】
なお、ｘについては、$0.1 \leqq x \leqq 0.8$の範囲で、ある程度人為的に調整可能である。

【００６１】
電気絶縁層１２にＯ（酸素）が含まれる場合、このＯ（酸素）に代えて、Ｓ（イオウ）やＳｅ（セレン）を用いることも考えられる。

【００６２】
上記の層状酸化物において、Ｃｏの一部をＮｉ、Ｔｉ、Ｍｎ、Ｆｅ、Ｒｈのうち少なくとも１種類の元素で置換してもよい。

【００６３】
なお、層状酸化物における酸素の量は、化学式通りであることが好ましい。しかし、以下各々の化学式を参照して説明するが、実際に本実施の形態に係る熱電変換デバイスを作製する際の作製方法、作製条件などにより、厳密に層状酸化物における酸素の量を化学式通りにすることは困難であり、実際には±０．５程度の酸素不定比性が存在することが想定される。

【００６４】
この層状酸化物は、一層が１ないし３モノレイヤーのMO_2からなる（Ｍは金属であり、例えば、Ｍｎ、Ｃｏなどを含む遷移金属が挙げられる。）電気伝導層１１と、一層が１

ないし４モノレイヤーからなる電気絶縁層１２との交互積層からなる。

【００６５】

４モノレイヤー以上の厚みの電気伝導層１１を有する材料層２２や、５モノレイヤー以上の厚みの電気絶縁層１２を有する材料層２２を作製することは、技術的に困難である。

【００６６】

この構成によれば、キャリアがホールである場合、図２に示す熱電変換デバイスにおいて第２電極２３から第１電極２１へ電流を流すことで、材料層２２の内部に電流が流れ、それに付随して熱が運ばれることにより、第２電極２３の側で吸熱、第１電極２１の側で発熱現象が起こる。

【００６７】

言うまでもないが、電流の流す向きを逆にすれば、第２電極２３の側で発熱、第１電極２１の側で吸熱現象が起こる。

【００６８】

一方、キャリアが電子である場合、図２に示す熱電変換デバイスにおいて第２電極２３から第１電極２１へ電流を流すことで、第２電極２３の側で発熱、第１電極２１の側で吸熱現象が起こる。

【００６９】

電流の流す向きを逆にすれば第２電極２３の側で吸熱、第１電極２１の側で発熱現象が起こる。

【００７０】

上記それぞれの場合において、吸熱側の電極が低温部となる。

【００７１】

従来、材料層２２のｃ軸方向の電気抵抗は大きく、またゼーベック係数は小さいので、熱電変換性能ＺＴは小さくて使用に足るものではないと考えられていた。

【００７２】

詳細は後述する実施例で述べるが、本発明者らは様々な条件を検討し最適化することにより、層状構造および異方的な熱電特性を有する様々な種類の材料層２２と電極界面との関係、電極の大きさ、および印加する外場の大きさと熱電変換性能の関係を詳細に調べていく過程で、第１電極２１の面積を第２電極２２の面積よりも大きくすることにより、本発明の熱電変換デバイスにおいて予想外に大きな熱電変換性能が得られることを見出した。

【００７３】

この理由として、一つは文献３に開示されたデバイスと同様の電流の拡散現象によるジュール熱の戻りの抑制によるものが考えられる。しかし、本発明の熱電変換デバイスが実現する熱電変換性能は桁違いに大きく、また文献３に開示されたデバイスとは異なる振る舞いを示していたので、単なるジュール熱の戻りが抑制されているという解釈だけでは理解できないものであった。

【００７４】

材料層２２の層方向に平行な１対の端面に面積が互いに異なる第１電極２１および第２電極２３を配置し、これら第１電極２１と第２電極２３とで材料層２２を挟み込むようにして熱電変換デバイスを作製し、これらの第１電極２１および第２電極２３との間に電流のような外場を加えた場合、第１電極２１の面積と第２電極２３の面積とが同じである場合と比較して、大きな熱電変換性能が確認された。この効果を利用して、本実施の形態の熱電変換デバイスを冷却素子として機能させることが可能である。すなわち、第１電極２１と第２電極２３との間に電圧を印加して電流を流して、第１電極２１および第２電極２３の何れか一方を低温部とすることによって、本実施の形態の熱電変換デバイスを用いた高効率の冷却方法を実現できる。

【００７５】

また、同様の構成において、第１電極２１と第２電極２３との間に温度差を設けることにより、材料層２２内で熱エネルギーを持ったキャリアがその温度差を打ち消すように第

１電極２１および第２電極２３の間を移動することから、結果として電流が流れる。すなわち、第１電極２１および第２電極２３間に温度差が印加されることによって、本実施の形態の熱電変換デバイスが電力発生素子として機能する。

【００７６】

この効果を利用し、本デバイスから第１電極２１および第２電極２３を介して電力を取り出すことが可能である。すなわち、第１電極２１と第２電極２３との間に温度差を印加することによって、本実施の形態の熱電変換デバイスを用いた高効率の発電方法を実現できる。

【００７７】

以上のように、本発明によれば、熱電発電デバイスとしての高い効果を得ることができる。

【００７８】

本実施の形態の熱電変換デバイスにおける材料層２２は、結晶の層の向き、すなわち結晶のｃ軸の向きが揃った形態であることが要求される。

【００７９】

より具体的には、単結晶やエピタキシャル薄膜であることが望ましい。層状物質の単結晶は、フローティングゾーン法やフラックス法など、単結晶作製に一般的に用いられる手法によって合成される。

【００８０】

本発明の熱電変換デバイスを、スパッタ法などの薄膜プロセスを利用して作製する場合、デバイスの構造を支持するための基体を使用することによってプロセスが容易になる。

【００８１】

この場合、まず基体上に第１電極２１を形成し、その後材料層２２、第２電極２３の順に成膜を行う。

【００８２】

小面積の第２電極２３のパターン作製には、メタルマスクを介した電極材料の気相成長またはクリームはんだ塗布や、フォトレジストを用いたリフトオフ、イオンビームエッチングまたは電解めっきなどの様々な方法が用いられる。

【００８３】

第１電極２１の作製時には、結晶成長を促すために使用する基体の材料を適切に選択することが好ましい。また、材料層２２においては、成膜時の加熱温度が重要である。

【００８４】

スパッタ法を用いる場合の基板温度は、層状酸化物では６５０℃から８００℃の範囲であることが好ましい。

【００８５】

これらの条件を満たしていれば、作製方法は特に限定されないので、スパッタ法、蒸着法、レーザーアブレーション法、化学的気相成長法などの気相成長によるもの、あるいは電着などの液相や固相からの成長など、種々の薄膜形成方法が使用可能である。

【００８６】

基体の材料としては、Al_2O_3、ＭｇＯ、$SrTiO_3$、$LaAlO_3$、$NdGaO_3$、$YAlO_3$、$LaSrGaO_4$、$LaSrAlO_4$、$MgAl2O_4$、ＺｎＯ、ＹＳＺ（イットリウム安定化ジルコニア）、ZrO_2、TiO_2（ルチルもしくはアナターゼ）、Fe_2O_3、Cr_2O_3、Ｓｉ、ＧａＡｓなどの単結晶材料が好ましい。

【００８７】

液相エピタキシャルプロセスなどで材料層２２の厚膜を作製する場合、単結晶材料の基体表面から直接成長を行うこともできるが、より結晶性の良い厚膜を得るためには、結晶性薄膜の初期成長層をスパッタなどの方法であらかじめ形成した後に、厚膜形成を行うのが好ましい。液相プロセスとしては、例えば$Na_{0.5}CoO_2$薄膜の場合には、ＮａＣｌをフラックスとしてCo_3O_4およびNa_2CO_3の粉体を混ぜて１０００℃で溶かした融液中に薄膜を基体ごと浸し、９００℃にまで徐々に冷却することにより、１ｍｍ程度の$Na_{0.}$

$_5CoO_2$厚膜を構成することが可能である。

【0088】

本実施の形態における熱電変換デバイスを冷却用途に用いる場合に流す電流は、実効的な熱の移動を伴わずにジュール熱の発生による損失だけに寄与する交流ではなく、直流であることが好ましい。また、定電流だけではなく、直流のパルス電流も組み合わせることで、所望の冷却性能に応じた効率の良い駆動を行うことができる。

【0089】

材料層２２は、基板面（すなわち、第１電極２１の上面）と平行な面で材料層２２を切断した際に現れる断面の面積（以下、「断面積」という。）が、材料層２２の高さ（すなわち、厚み）に拘わらず、一定であることが好ましい。

【0090】

材料層２２の厚みは、例えば０．１μｍ～１０００μｍの範囲で設定することができ、好ましくは５０μｍ～２００μｍの範囲である。

【0091】

（実施の形態２）

図４Ａは、本発明の実施の形態２における熱電変換デバイスの構成を示した断面図である。図４Ｂは、図４Ａで指示した箇所での切断面（Ｉ－Ｉ線断面）を示した図である。なお、図４Ｂにおいて、第２電極２３のハッチングを省略する。

【0092】

本実施の形態の熱電変換デバイスでは、材料層２２と第２電極２３とが複数領域で接している。言い換えれば、材料層２２上に複数の第２電極２３が配置されており、かつ、各々の第２電極２３が互いに電気的に接続されて形成されている。このような構成によって、本実施の形態の熱電変換デバイスは、高い熱電特性を維持しながら、実効的な面積を大きくすることができる。なお、説明の便宜上、電気的に互いに接続された複数の第２電極２３を、まとめて第２電極２３ということがある。

【0093】

上記のような構成は、まず材料層２２上に小面積のコンタクトホールパターンを複数有する層間絶縁層４１を形成し、その上に第２電極２３を作製することによって実現できる。第２電極２３は、層間絶縁層４１に形成されたコンタクトホールを介して、材料層２２と接している。これにより、高い熱電特性と広い実効面積を有するデバイスが実現可能である。

【0094】

本実施の形態における第１電極２１、材料層２２および第２電極２３の作製には、実施の形態１に記載した材料や作製方法が適用可能である。また、第２電極２３の面積（材料層２３と１つの第２電極２３との接触面積）と第１電極２１の面積との関係（面積比など）についても、実施の形態１の場合と同様の関係を適用できる。

【0095】

さらに、第２電極２３の作製には、スパッタ法や蒸着法などの気相成長による方法の他に、めっきやクリームはんだ塗布などの簡便な方法を用いることができる。

【0096】

層間絶縁層４１としては、電気的な絶縁性を持つ材料であれば特に限定されるものでないが、熱伝導率が低い材料を用いることが好ましい。このような材料で層間絶縁層４１を形成することによって、材料層２２と第２電極２３との接点近傍においてのみ効率的に温度差が生じるので、有利である。

【0097】

熱伝導率が低い絶縁材料としては、例えば、多孔質シリカなどの無機多孔体や有機樹脂が使用可能である。

【0098】

有機樹脂のうち、特にフォトレジストや感光性ポリイミドを用いると、一般的なフォトリソグラフィーの手法で簡便にパターン形成ができるので有利である。

【0099】

多くのネガ型フォトレジストや感光性ポリイミドのような耐溶剤性の材料を用いた場合、後で溶剤を使用するプロセスを経ても構造を維持できるので好ましい。

【0100】

第２電極２３の作製に、蒸着など飛来粒子の直進性が高いプロセスを用いた場合、コンタクトホールの側壁における第２電極２３の膜のカバレッジが良くない場合がある。この場合、図５Ａに示すようにコンタクトホール５１の側壁が切り立っていると、良好な導電性が得られない可能性がある。

【0101】

したがって、直進性が高いプロセスを用いる場合は、図５Ｂに示すように、側壁が緩やかなテーパー形状を有するコンタクトホール５１を形成することが好ましい。

【0102】

図５Ｂに示すようなテーパー形状を有するコンタクトホール５１を作製する方法は様々なものがあるが、例えば層間絶縁層４１にネガ型感光性ポリイミドを用いる場合、前述のようなプロセスでコンタクトホールパターンを形成した後、ＡｒやＮ$_2$など不活性ガス雰囲気下において２００～３５０℃で３０～６０分程度ベークすることで、側壁がテーパー形状のコンタクトホール５１を形成することができる。

【0103】

第２電極２３は、図５Ａや図５Ｂに示したように、層間絶縁層４１の表面上に薄膜状に形成される構成の他に、図５Ｃや図５Ｄのような厚膜とすることもできる。この場合、表面をＣＭＰ（Ｃｈｅｍｉｃａｌ　Ｍｅｃｈａｎｉｃａｌ　Ｐｏｌｉｓｈｉｎｇ）などの方法で平滑化することによって、本デバイスの上にさらにセンサーなどの別の機能素子を形成し、全体としてモノリシックなデバイスを作製することができる。

【実施例】

【0104】

本発明について、実施例を用いてより具体的に説明する。

【0105】

（実施例１）

ＲＦマグネトロンスパッタにより、４層の岩塩構造からなる絶縁層を有するＢｉ$_2$Ｓｒ$_2$Ｃｏ$_2$Ｏ$_y$（以下、「ＢＳＣＯ」と表記する。）を用いて、本実施例の熱電変換デバイスを作製した。なお、本実施例では、図２に示した構成の熱電変換デバイスを作製した。

【0106】

ＢＳＣＯは、層状酸化物の中でも比較的異方性が大きく、層間方向（ｃ軸方向）に比べて層内方向の電気伝導度は約１００００倍である。

【0107】

第１電極２１となる下部電極に厚さ２００ｎｍのＰｔ、材料層２２に厚さ５μｍのＢＳＣＯ、第２電極２３となる上部電極に厚さ１０００ｎｍのＡｕを用いた。

【0108】

ＢＳＣＯにおけるｙの値は、理想的にはｙ＝８である。しかし、作製条件によっては±０．５程度の酸素不定比性を生じるため、ｙは、７．５≦ｙ≦８．５の範囲内にあると考えられる。

【0109】

基板には、１０ｍｍ角、厚さ５００μｍのサファイアＡｌ$_2$Ｏ$_3$のＣ面基板を使用した。

【0110】

第１電極２１（Ｐｔ）は基板の表面全体（面積１．０×１０^{8}μｍ^2）に作製した。第１電極２１の作製条件は、基板温度を６５０℃、成長時のガス圧を１Ｐａとし、雰囲気ガスはＡｒのみを使用し、投入電力を８０Ｗとした。Ｘ線回折の測定結果から、Ｐｔは（１１１）配向でエピタキシャル成長していることがわかった。

【0111】

ＢＳＣＯからなる材料層２２の作製では、基板温度を６５０℃、成長時のガス圧を５Ｐ

aとし、分圧比でＡｒが８０％、O_2が２０％の混合ガス雰囲気下で投入電力を６０Ｗとした。

【０１１２】

成膜完了後、スパッタ装置内を８１ｋＰａ（０．８ａｔｍ）の純酸素雰囲気にし、５時間かけて試料を室温に冷やした。

【０１１３】

図６に示したＸ線回折の測定結果から、ＢＳＣＯは（００１）配向でエピタキシャル成長した単結晶薄膜であることがわかった。すなわち、基板面に対してＢＳＣＯの層状構造が平行（ＢＳＣＯの各層の面内方向が基板面に対して平行）になっていた。

【０１１４】

第２電極２３（Ａｕ）の作製では、基板温度を室温、成長時のガス圧を１Ｐａとし、雰囲気ガスはＡｒのみを使用し、投入電圧を８０Ｗとした。

【０１１５】

この際、円形の穴が一つ開いたメタルマスクを介して成膜を行い、電極の直径がそれぞれ３０μｍ、５０μｍ、１００μｍ、５００μｍ、面積に換算するとそれぞれ$7.1\times10^{2}\mu m^{2}$、$2.0\times10^{3}\mu m^{2}$、$7.9\times10^{3}\mu m^{2}$、$2.0\times10^{5}\mu m^{2}$となるような試料を合計４種類作製した（実施例１－１～１－４）。

【０１１６】

比較例として、メタルマスクを使わずに第２電極２３であるＡｕをＢＳＣＯの表面全面（面積$1.0\times10^{8}\mu m^{2}$）に成膜した試料を作製した（比較例１－１）。

【０１１７】

さらに別の比較例として、Al_2O_3のＡ面基板上にＰｔ（１００）配向薄膜を形成し、その上にＢＳＣＯ薄膜を成長させた。

【０１１８】

Ｘ線回折の測定結果より、ＢＳＣＯは（１００）配向薄膜であることがわかった。

【０１１９】

すなわち、基板面に対してＢＳＣＯの層状構造が垂直（ＢＳＣＯの各層の面内方向が基板面に対して垂直）になっていた（国際公開第０５／０８３８０８号パンフレットも参照）。

【０１２０】

上部電極（第２電極２３）のＡｕは、実施例１－１～１－４と同様に、直径が３０μｍ、５０μｍ、１００μｍ、５００μｍ、面積に換算するとそれぞれ$7.1\times10^{2}\mu m^{2}$、$2.0\times10^{3}\mu m^{2}$、$7.9\times10^{3}\mu m^{2}$、$2.0\times10^{5}\mu m^{2}$のものを作製した（比較例１－２～１－５）。

【０１２１】

こうして作製した実施例１－１～１－４および比較例１－１～１－５の試料について、第１電極２１と第２電極２３との間に０．０１ｍＡ～１００ｍＡの範囲で定電流を流し、第２電極２３を冷却した際の冷却温度の測定を行った。

【０１２２】

結果を表１に示した。

【０１２３】

【表１】

試料	層構造に対する電極界面の向き	第1電極21と第2電極23との面積比（第2電極の面積／第1電極の面積）	ΔT_{obs}(K)	$\Delta T_{obs}/\Delta T_{max}$	S_{obs} (μV/K)
実施例 1-1	平行	7.1×10^{-6}	2.025	245	2190
実施例 1-2	平行	2.0×10^{-5}	0.899	109	1463
実施例 1-3	平行	7.9×10^{-5}	0.301	37	848
実施例 1-4	平行	2.0×10^{-3}	0.034	4.2	286
比較例 1-1	平行	1.0	0.009	1.0	140
比較例 1-2	垂直	7.1×10^{-6}	0.013	1.44	168
比較例 1-3	垂直	2.0×10^{-5}	0.011	1.22	155
比較例 1-4	垂直	7.9×10^{-5}	0.010	1.11	147
比較例 1-5	垂直	2.0×10^{-3}	0.009	1.0	140

【０１２４】

表１には、異なる直径の第２電極２３を有する各々の試料に対して電流を流して第２電極２３を冷却した際の最大の冷却温度ΔT_{obs}、材料本来の性能指数Z_0を用いて$\Delta T_{max}=Z_0T^2/2$の式から算出される冷却温度の上限ΔT_{max}との比$\Delta T_{obs}/\Delta T_{max}$、$\Delta T_{obs}$から換算される実効的なゼーベック係数$S_{obs}$も示した。

【０１２５】

表１から、第２電極２３の大きさが小さいほどΔT_{obs}の値が大きく、それに伴いゼーベック係数S_{obs}の値も大きくなる傾向にあることがわかった。

【０１２６】

しかし、第２電極２３のサイズを本実施例よりもさらに小さくしていくと、電極間の抵抗が大きくなるために、あるサイズを境にして生じる温度差が減少していくと思われる。

【０１２７】

すなわち、第２電極２３のサイズには効率が最大となる最適値が存在すると推察される。

【０１２８】

第２電極２３の最適なサイズは、材料層２２の膜厚、電気抵抗率や熱伝導率などに依存するので一概には言えないが、本実施例で材料層２２として用いたＢＳＣＯにおいてはｃ軸方向の電気抵抗率が大きいので、少なくともその直径が１μｍ以上である場合が最適であると考えられる。

【０１２９】

定常法、すなわち試料にわずかな温度差をつけることにより生じる起電力の大きさからゼーベック係数を算出する方法でＢＳＣＯのゼーベック係数Ｓｓを見積もると、室温においてはおよそ１４０μＶ／Ｋであった。

【０１３０】

本実施例のS_{obs}は、Ｓｓに比べて最大で約１５．６倍向上していた（実施例１－１）。

【０１３１】

一般的に、熱電変換性能指数ＺＴはゼーベック係数の２乗の項を持つので、本実施例においては、ＺＴに換算すると、最大でおよそ２４０倍特性が向上していることになる。

【０１３２】

一方、比較例１－１～１－５におけるS_{obs}は１４０～１６８μＶ／Ｋであり、定常法

での値Ｓｓとほぼ同様の値であった。

【０１３３】

これらの結果から、ＢＳＣＯに代表される材料層２２（層状酸化物）のｃ軸は、第１電極２１と層状酸化物との間の界面に対して垂直であり（実施例１－１～１－４と比較例１－２～１－５との間の比較）、かつ、第１電極２１と材料層２２との界面の面積と、第２電極２３と材料層２２との界面の面積とが異なる時のみ（実施例１－１～１－４と比較例１－１との間の比較）に、非常に高い熱電変換特性が実現することがわかった。

【０１３４】

また、文献３で議論されているような電流の拡散による効果だけを勘案した場合のS_{obs}は、比較例（比較例１－２～１－５）で観測された程度か、高々数倍程度であると考えられ、本実施例（実施例１－１～１－４）のS_{obs}には及ばなかった。

【０１３５】

さらに、本実施例の熱電変換デバイスを用いて冷却を行った際に発生した温度差ΔT_{obs}が、時間の経過によってどのように変化していくかを調べた。

【０１３６】

実施例１－１の試料に定電流を流して駆動した場合には、発生した温度差ΔT_{obs}が時間とともに徐々に緩和していき、１分経過した後にはΔT_{obs}の最大値と比較して半分程度になっていた。

【０１３７】

これに対し、定電流で駆動した時の１．５倍の大きさの直流パルスを印加して冷却を行うと、ΔT_{obs}は定電流で駆動した時と同程度になり、しかも生じた温度差ΔT_{obs}は１分経過した後もΔT_{obs}の最大値と比べて７０％程度に保たれていた。

【０１３８】

この際入力した直流パルスは、幅１ｍｓｅｃの矩形形状で、１０ｍｓｅｃの間隔で繰り返すパルスであった。

【０１３９】

さらに、直流パルスの形状を、立ち上がりのみが急峻な鋸型にすると、１分経過した後のΔT_{obs}は最大値と比べて８０％程度にまで向上した。

【０１４０】

直流パルスによってΔT_{obs}の緩和が抑えられていたのは、定電流で駆動した場合よりも発生するジュール熱の総量が少ないからだと考えられる。

【０１４１】

（実施例２）

材料層２２に$Ca_3Co_4O_y$（ｙ＝８．５～９．５、以下「ＣＣＯ」と表記する。）の組成式で記載される層状酸化物の単結晶を用いて、本実施例の熱電変換デバイスを作製した。なお、本実施例では、図２に示した構成の熱電変換デバイスを作製した。

【０１４２】

ＣＣＯは、３層の岩塩構造からなる絶縁層を有する層状酸化物で、層間方向に比べて層内方向の電気伝導度は約１００倍である。

【０１４３】

ＣＣＯの単結晶はフローティングゾーン法で作製した。ＣａＯとCo_3O_4を前記組成通りに秤量した後に混合し、１０００℃で２４時間大気中において焼結して再び粉体状にした。出来た粉末をプレスし、１１５０℃で１５時間保ち焼結した後に３気圧の酸素雰囲気中で結晶成長させると、黒い光沢をもつ長さ７～８ｍｍ、半径７ｍｍの単結晶が得られた。

【０１４４】

出来た物質の結晶構造はＸ線回折で確認した。

【０１４５】

得られた単結晶の組成は、ＩＣＰ（Ｉｎｄｕｃｔｉｖｅｌｙ Ｃｏｕｐｌｅｄ Ｐｌａｓｍａ）とＥＤＸ（Ｅｎｅｒｇｙ Ｄｉｓｐｅｒｓｉｖｅ Ｘ－ｒａｙ）による分析を用

いて確認した。

【０１４６】

実際の単結晶における酸素の量は組成式上の理想どおり出来ていればｙ＝９となるところであるが、酸素の量はＩＣＰやＥＤＸでも同定が困難であるため、ｙを８．５以上９．５以下としている。

【０１４７】

以上のようにして作製した単結晶を劈開して２．０ｍｍ×２．０ｍｍ×０．２ｍｍのサイズの直方体状の材料層２２を得た。

【０１４８】

このとき２．０ｍｍ×２．０ｍｍの面の表面は、ラウエ回折によりＣＣＯの結晶構造の層に対して平行な（００１）面を有していることを確認した。

【０１４９】

２．０ｍｍ×２．０ｍｍの一対の表面を平坦化した後、一方の面の全体（面積４．０×１０^{6}μｍ^{2}）に第１電極２１であるＡｇをマグネトロンスパッタ法により形成した。

【０１５０】

他方の面には第２電極２３であるＡｌを蒸着した。

【０１５１】

この時、実施例１と同様に円形の穴が一つ開いたメタルマスクを介して直径が３０μｍ（面積７．１×１０^{2}μｍ^{2}）、５０μｍ（面積２．０×１０^{3}μｍ^{2}）、１００μｍ（面積７．９×１０^{3}μｍ^{2}）、５００μｍ（面積２．０×１０^{5}μｍ^{2}）となるようにした（実施例２－１～２－４）。

【０１５２】

比較例として、メタルマスクを使わずに第２電極２３のＡｌを材料層２２の表面全面（面積４．０×１０^{6}μｍ^{2}）に成膜した試料を作製した（比較例２－１）。

【０１５３】

さらに別の比較例として、ＣＣＯの単結晶を２．０ｍｍ×２．０ｍｍ×０．２ｍｍの直方体に切り出したもののうち、２．０ｍｍ×２．０ｍｍの面がＣＣＯの（１００）面となっているような試料を用い、それ以外は実施例２－１～２－４と同様の構成となるような比較例２－２～２－５を作製した。

【０１５４】

こうして作製した実施例２－１～２－４および比較例２－１～２－５の試料について、第１電極２１と第２電極２３との間に０．０１ｍＡ～１００ｍＡの範囲で電流を流し、発生する温度差の測定を行った。

【０１５５】

結果を表２に示す。

【０１５６】

【表２】

試料	層構造に対する電極界面の向き	第1電極21と第2電極23との面積比（第2電極の面積／第1電極の面積）	ΔT_{obs}(K)	$\Delta T_{obs}/\Delta T_{max}$	S_{obs}（μV／K）
実施例 2-1	平行	1.775×10^{-4}	12.0	45.9	814
実施例 2-2	平行	5.0×10^{-4}	9.21	35.3	713
実施例 2-3	平行	1.975×10^{-3}	6.09	23.3	579
実施例 2-4	平行	0.05	1.51	5.8	289
比較例 2-1	平行	1.0	0.26	1.0	120
比較例 2-2	垂直	1.775×10^{-4}	0.43	1.7	154
比較例 2-3	垂直	5.0×10^{-4}	0.38	1.5	145
比較例 2-4	垂直	1.975×10^{-3}	0.32	1.2	133
比較例 2-5	垂直	0.05	0.28	1.1	125

【０１５７】

表２には、異なる直径の上部電極を有する各々の試料に対して電流を流して上部電極を冷却した際の最大の冷却温度ΔT_{obs}、材料本来の性能指数Z_0を用いて$\Delta T_{max}=Z_0T^2/2$の式から算出される冷却温度の上限ΔT_{max}との比$\Delta T_{obs}/\Delta T_{max}$、$\Delta T_{obs}$から換算される実効的なゼーベック係数$S_{obs}$も示している。

【０１５８】

定常法でＣＣＯのゼーベック係数Ｓｓを測定すると、室温においてはおよそ１２０μＶ／Ｋであった。本実施例のS_{obs}はＳｓに比べて約６．８倍向上していた。

【０１５９】

一方、比較例２－１～２－５におけるS_{obs}は１２０～１５４μＶ／Ｋであり、定常法での値Ｓｓとほぼ同様の値であった。

【０１６０】

ＣＣＯとほぼ同一の結晶構造を持つ$Sr_3Co_4O_9$、ＣＣＯと$Sr_3Co_4O_9$についてそれぞれＢｉを置換した$Ca_{2.7}Bi_{0.3}Co_4O_9$と$Sr_{2.7}Bi_{0.3}Co_4O_9$、そして$Ca_2Sr_{0.7}Bi_{0.3}Co_4O_9$についても試料を作製し、測定を行ったところ、いずれもＣＣＯと同様の傾向を示した。

【０１６１】

（実施例３）

ＲＦマグネトロンスパッタと液相エピタキシーにより、本実施例の熱電変換デバイスを作製した。なお、本実施例では、図２に示した構成の熱電変換デバイスを作製した。

【０１６２】

第１電極２１となる下部電極に厚さ２００ｎｍの$SrRuO_3$、材料層２２に厚さ２００μｍのSr_xCoO_y（以下、ＳＣＯと表記する。）、第２電極２３となる上部電極に厚さ１０００ｎｍのＴｉを用いた熱電変換デバイスを作製した。

【０１６３】

ＳＣＯはＳｒ原子のモノレイヤーからなる絶縁層を有する層状酸化物で、層間方向に比べて層内方向の電気伝導度は約４０倍である。

【０１６４】

ＳＣＯの酸素の量は理想的には$y=2$であるところ、作製条件によっては±０．５程度の酸素不定比性を生じるため、yは$1.5\leq y\leq 2.5$の範囲内にあると考えられる。

【０１６５】

xは、原料の秤量によって0．1～0．8の範囲内で調整可能である。

【0166】

本実施例では、xがおよそ0．3のSCOを作製した。

【0167】

基板には、10mm角、厚さ500μmの$SrTiO_3$の（111）面基板を使用した。

【0168】

第1電極21（$SrRuO_3$）は、基板の表面全体（面積1．0×10^8μm^2）に作製した。

【0169】

第1電極21の作製条件は基板温度を750℃、成長時のガス圧を3Paとし、雰囲気ガスは、分圧比でArが70％、酸素が30％の混合ガスを使用し、投入電力を100Wとした。

【0170】

X線回折の測定結果から、$SrRuO_3$は（111）配向でエピタキシャル成長していることがわかった。

【0171】

SCOから成る材料層22は、まずRFマグネトロンスパッタを用いて厚さ100nmのテンプレート層を堆積した後に、液相エピタキシーにより厚さ200μmのSCO厚膜を成膜することによって作製した。

【0172】

RFマグネトロンスパッタの条件は、基板温度を650℃、成長時のガス圧を5Paとし、Arが80％、酸素が20％の混合ガス雰囲気下で投入電力を60Wとした。

【0173】

成膜完了後、スパッタ装置内を81kPa（0．8atm）の純酸素雰囲気にし、5時間かけて試料を室温に冷やした。

【0174】

X線回折の測定結果から、SCOは（001）配向でエピタキシャル成長した単結晶薄膜であることがわかった。

【0175】

この後に、SrO_2とCo_3O_4の原料粉末をKClからなるフラックス中に溶かした融液中に試料を浸漬し、これを回転させながら徐冷することによって、厚さ200μmのSCO厚膜を得た。

【0176】

X線回折により、得られたSCO厚膜は（001）配向していることがわかった。すなわち、基板面に対してSCOの層状構造は平行（SCOの各層の面内方向が基板面に対して平行）になっていた。

【0177】

第2電極23（Ti）の作製では、基板温度を室温、成長時のガス圧を1Paとし、雰囲気ガスはArのみを使用し、投入電圧を80Wとした。

【0178】

この際、円形の穴が一つ空いたメタルマスクを介して成膜を行い、電極の直径がそれぞれ3μm、10μm、50μm、200μm（面積7．1μm^2、7．9×10^1μm^2、2．0×10^3μm^2、3．1×10^4μm^2）であるような試料を合計4種類作製した（実施例3－1～3－4）。

【0179】

また、比較例として、メタルマスクを使わずに第2電極23のTiをCCOの表面全面（面積1．0×10^8μm^2）に成膜した試料を作製した（比較例3－1）。

【0180】

さらに別の比較例として、$SrTiO_3$（100）基板上に$SrRuO_3$（100）配向

薄膜を形成し、その上に実施例３－１～３－４と同様の条件でＳＣＯの作製を行った。

【０１８１】

Ｘ線回折の測定により、ＳＣＯ薄膜は配向性を持たない多結晶薄膜であることがわかった。

【０１８２】

上部電極のＴｉは実施例３－１～３－４と同様に直径が３μｍ、１０μｍ、５０μｍ、２００μｍ（面積７．１μm^2、７．９×１$0^1$μm^2、２．０×１$0^3$μm^2、３．１×１$0^4$μm^2）のものを作製した（比較例３－２～３－５）。

【０１８３】

こうして作製した実施例３－１～３－４および比較例３－１～３－５の試料について、第１電極２１と第２電極２３との間に０．０１ｍＡ～１００ｍＡの範囲で電流を流し、発生する温度差の測定を行った。

【０１８４】

結果を表３に示す。

【０１８５】

【表３】

試料	結晶構造に対する電極界面の向き	第1電極21と第2電極23との面積比（第2電極の面積／第1電極の面積）	ΔT_{obs}(K)	$\Delta T_{obs}/\Delta T_{max}$	S_{obs} (μV/K)
実施例 3-1	平行	7.1×10^{-8}	12.73	63.7	654
実施例 3-2	平行	7.9×10^{-7}	7.11	35.6	489
実施例 3-3	平行	2.0×10^{-5}	3.91	19.6	363
実施例 3-4	平行	3.1×10^{-4}	2.26	11.3	275
比較例 3-1	平行	1.0	0.20	1.0	82
比較例 3-2	無配向	7.1×10^{-8}	0.43	2.2	120
比較例 3-3	無配向	7.9×10^{-7}	0.35	1.8	108
比較例 3-4	無配向	2.0×10^{-5}	0.30	1.5	100
比較例 3-5	無配向	3.1×10^{-4}	0.25	1.3	92

【０１８６】

表３には、異なる直径の上部電極を有する各々の試料に対して電流を流して上部電極を冷却した際の最大の冷却温度ΔT_{obs}、材料本来の性能指数Z_0を用いて$\Delta T_{max}=Z_0T^2/2$の式から算出される冷却温度の上限ΔT_{max}との比$\Delta T_{obs}/\Delta Tmax$、$\Delta T_{obs}$から換算される実効的なゼーベック係数$S_{obs}$も示している。

【０１８７】

定常法によりＳＣＯのゼーベック係数Ｓｓを測定すると室温においては８２μＶ／Ｋであった。本実施例のS_{obs}はS_sに比べて約８倍向上していた。

【０１８８】

一方、比較例３－１～３－４におけるS_{obs}は８２～１２０μＶ／Ｋであり、定常法での値Ｓｓとほぼ同程度の値であった。

【０１８９】

また、ＳＣＯとほぼ同一の結晶構造を持つ$Ca_{0.3}CoO_2$についても試料を作製し、測定を行ったところ、ＳＣＯと同様の傾向を示した。

【０１９０】

（実施例４）

実施例４では、実効面積をより大きくするために、図４に示したような材料層２２と第２電極２３との接点が複数となる構成の熱電変換デバイスを作製した。

【０１９１】

本実施例の熱電変換デバイスの作製工程を図８Ａ～図８Ｄに示す。

【０１９２】

基板には、１０ｍｍ角、厚さ５００μｍの$SrTiO_3$の（１１１）面基板を使用した。

【０１９３】

第１電極２１に$SrRuO_3$、材料層２２にSr_xCoO_y（以下、「ＳＣＯ」と表記する）、第２電極２３にＴｉ、層間絶縁層４１にネガ型の感光性ポリイミドを用いた。

【０１９４】

ｘがおよそ０．３となるように、ＳＣＯを作製した。

【０１９５】

まず、図８Ａのように、基板８１の上に第１電極２１と材料層２２を、基板８１の全面（面積$1.0\times10^8\mu m^2$）に、実施例３に記載の条件と同様の条件にて作製した。

【０１９６】

第１電極２１の厚さは２００ｎｍ、材料層２２の厚さは２００μｍとした。

【０１９７】

層間絶縁層４１に感光性ポリイミドを使用する場合は、一般的なフォトレジストのパターニング手法と同様のプロセスが適用可能である。

【０１９８】

まず、ネガ型感光性ポリイミドの原料溶液をスピンコートし、ホットプレートにて７０℃で３分、その後９０℃で３分プリベークして溶媒を揮発させ、厚さ１０μｍの膜を得た。

【０１９９】

こうしてできた試料に対して、フォトマスクを介して水銀ランプの紫外線による露光を行い、その後γ－ブチロラクトンとシクロヘキサノンとの混合液による現像工程、酢酸ブチルとシクロヘキサノンとの混合液によるリンス工程を経て、図８Ｂのようにコンタクトホール５１を有する層間絶縁層４１のパターン形状を得た。

【０２００】

さらに、コンタクトホール５１の側壁をテーパー形状にするために、N_2ガス雰囲気下で、２００℃で３０分、３５０℃で３０分保持するベーク工程を設け、図８Ｃに示したようなテーパー形状を作製した。

【０２０１】

ベーク後の層間絶縁層４１の厚さは６μｍであった。

【０２０２】

コンタクトホール５１の大きさと配列は、使用するフォトマスクのパターンによって自由に設定可能であるが、本実施例では図４Ｂに示すように円形のコンタクトホールパターンが互いに等間隔の距離を保ちながら配列したものを作製した。

【０２０３】

具体的には、コンタクトホール５１として、材料層２２と第２電極２３との界面における直径が３μｍ、面積に換算すると$7.1\mu m^2$のコンタクトホールを、合計１０００個配置した。

【０２０４】

次に、第２電極２３（Ｔｉ）を実施例３と同様の条件にて作製し、図８Ｄに示すような熱電変換デバイスを得た（実施例４）。

【０２０５】

こうして作製した実施例４の熱電変換デバイスについて、第１電極２１と第２電極２３との間に３Ａの電流を流し、冷却を行った。

【０２０６】

この際、冷却側となる第２電極２３にシートヒーターを配置し、所定の温度差が保たれるようにし、この時のシートヒーターの消費電力から本実施例の熱電変換デバイスの冷却能力（単位時間当たりの吸熱量）の算出を行った。

【０２０７】

結果を表４に示す。

【０２０８】

【表４】

温度差（℃）	冷却能力（mW）
10	10
5	30
3	38
1	46

【０２０９】

表４は、冷却時の温度差を変化させた時の実施例４における冷却能力の違いを示している。

【０２１０】

例えば５℃の冷却を行う際、本実施例のデバイス１つにつき冷却対象物から最大３０ｍＷの熱を吸熱することができる。

【０２１１】

このような結果から、熱容量の大きい冷却対象物に対しても、本実施例の熱電変換デバイスを複数用いることで、温度制御が可能になることがわかった。

【０２１２】

本実施例の熱電変換デバイスに対して、第１電極２１と第２電極２３との間に温度差を印加することによって、電極間から電力を取り出すことが可能である。

【０２１３】

本実施例の熱電変換デバイスにおいて、第１電極２１の側には温度を室温に保つ熱浴を、第２電極２３の側にはシートヒーターを取り付け、５℃の温度差を与えた時の発電能力は、約１ｍＷであった。

【産業上の利用可能性】

【０２１４】

本発明にかかる熱電変換デバイスは、熱伝導による損失を軽減する高効率のデバイスを実現することができる。また従来の薄膜素子設計および製造のプロセスが適用できるため、デバイスの薄型化、微細化が容易となり、従来にない薄型の冷却機又は発電機として利用可能である。

【０２１５】

また、電子デバイス中に回路の一部として組み込むことができるので、従来よりも効率よく回路内の発熱部位を冷却することができる。

【図面の簡単な説明】

【０２１６】

【図１】図１は、本発明の熱電変換デバイスの実施の形態において用いられる層状酸化物の一例であって、電気伝導層と電気絶縁層とが１モノレイヤー毎に積層してなる層状酸化物の結晶構造を示した図である。

【図２】図２は、実施の形態１における熱電変換デバイスの断面構成を示した図である。

【図３】図３は、本発明の熱電変換デバイスの実施の形態において用いられる層状酸化物の他の例であって、電気絶縁層が４原子層からなる層状酸化物の結晶構造を示した図であ

る。

【図４】図４Ａは、実施の形態２における熱電変換デバイスの断面構成を示した図であり、図４Ｂは、図４ＡのＩ－Ｉ線断面図である。

【図５】図５Ａ～図５Ｄは、実施の形態２における熱電変換デバイスにおいて、コンタクトホールの形状が異なる熱電変換デバイスの各構成例を示した断面図である。

【図６】図６は、実施例１における熱電変換デバイスに用いられた$Bi_2Sr_2Co_2O_y$薄膜のＸ線回折パターンを示すグラフである。

【図７】図７は、実施例１における熱電変換デバイスにおいて、キャリアの流れと熱の流れを模式的に表した図である。

【図８】図８Ａ～図８Ｄは、実施例４における熱電変換デバイスの製造工程を示した断面図である。

【図１】

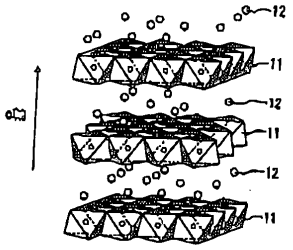

FIG. 1

【図２】

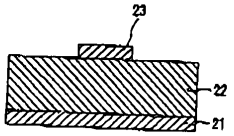

FIG. 2

【図３】

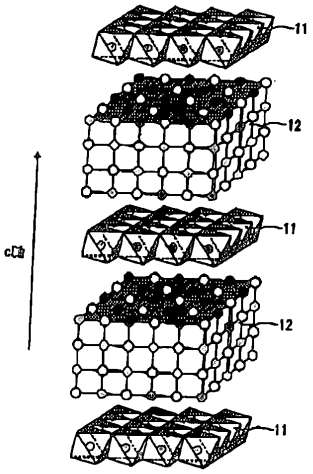

FIG. 3

【図４】

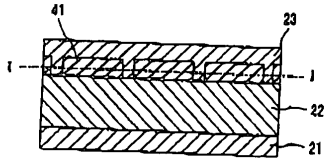

FIG. 4A

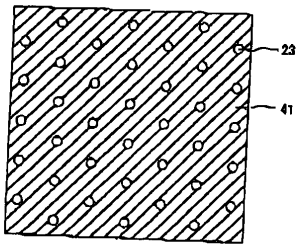

FIG. 4B

【図５】

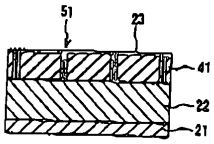

FIG. 5A

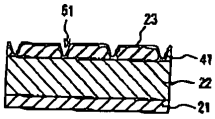

FIG. 5B

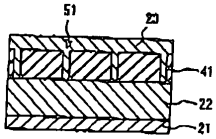

FIG. 5C

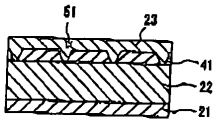

FIG. 5D

【図６】

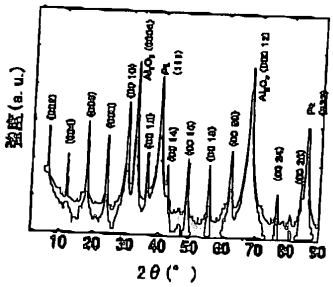

FIG. 6

【図７】

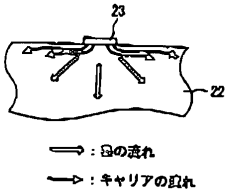

FIG. 7

【図 8】

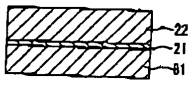

FIG. 8A

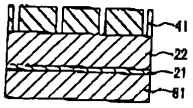

FIG. 8B

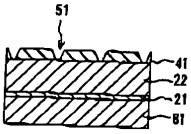

FIG. 8C

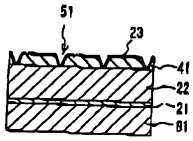

FIG. 8D

フロントページの続き

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審査官 加藤 浩一

(56)参考文献 特開２００５－１５０５３４（ＪＰ，Ａ）
特開２００３－２２９６０５（ＪＰ，Ａ）
特開２００２－０１６２９７（ＪＰ，Ａ）
特開２００１－２８４６６２（ＪＰ，Ａ）

(58)調査した分野(Int.Cl.，ＤＢ名)
H01L 35/26
H01L 35/22
H01L 35/32
H02N 11/00

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: 20:32:35 JST 08/01/2007
Dictionary: Last updated 07/20/2007 / Priority:

Decision to Grant a Patent

Application number: Application for patent 2006-529383
Date of Drafting: Heisei 19(2007) February Nine days
Patent examiner: KATO, Koichi 8617 4M00
Title of invention: A thermoelectrical conversion device, the cooling method using it, and the power generation method
The number of claims: 16
Applicant: MATSUSHITA ELECTRIC INDUSTRIAL CO. LTD.
Representative: KAMADA, Koichi (and 1 others)

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 KITAJIMA, Kenji KATO, Koichi KITAJIMA, Kenji 8225 8617 8225

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)

H01L 35/26 , H01L 35/22 , H01L 35/32 A, H02N 11/00 A

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 2006-529383

1. Technical Fields to Be Searched (IPC, DB Name)
H01L 35/26 H01L 35/22 H01L 35/32 H02N 11/00

2. Reference patent documents
JP,2005-150534,A (JP, A) JP,2003-229605,A (JP, A) JP,2002-016297,A (JP, A) JP,2001-284662,A (JP, A)

3. Reference books and magazines

[Translation done.]

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
www.uspto.gov

LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
BOSTON, MA 02109-2127

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MAR 3 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Carmen Garcia-Luzon et al	:	
Application No. 11/643,752	:	DECISION DISMISSING
Filed: December 20, 2006	:	PETITION
Attorney Docket No. PAZ-174CN3	:	

This is a decision on the petition filed June 28, 2007, requesting that the above-identified application be accorded a filing date of December 20, 2006.

A review of the file record shows that USPTO records have been updated to reflect the correct filing date pursuant to 37 CFR 1.10. A corrected Official Filing Receipt was mailed to applicant on August 13, 2007.

The evidence submitted is sufficient to grant the petition; however, in view of the above, the petition is **DISMISSED AS MOOT.**

This application file is being referred to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries relating to this decision should be directed Irvin Dingle at (571) 272-3210. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

David Bucci
Petition Examiner
Office of Petitions

Attachment: Replacement 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
11/643,752	12/20/2006	1614	1130	PAZ-174CN3	6	1

CONFIRMATION NO. 1636

REPLACEMENT FILING RECEIPT

959
LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
BOSTON, MA 02109-2127

OC000000028680515

Date Mailed: 03/06/2008

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)

Carmen Garcia-Luzon, Madrid, SPAIN;
Juan Carlos Cuevas, Madrid, SPAIN;
Jose M. Fiandor, Madrid, SPAIN;
Araceli Mallo, Madrid, SPAIN;
Mark L. Nelson, Norfolk, MA;
Roger Frechette, Reading, MA;

Assignment For Published Patent Application

Paratek Pharmaceuticals, Inc., Boston, MA

Power of Attorney: The patent practitioners associated with Customer Number 00959

Domestic Priority data as claimed by applicant

This application is a CON of 10/636,437 08/06/2003 PAT 7,208,482
which is a CON of 10/295,708 11/15/2002 ABN
which is a CON of 10/097,095 03/12/2002 ABN

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 01500065.6 03/13/2001

If Required, Foreign Filing License Granted: 02/21/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/643,752**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

9-Aminoacyl tetracycline compounds and methods of use thereof

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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SEP 28 2009

OFFICE OF PETITIONS

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

In re Application of	:	
Garcia-Luzon et al.	:	
Application No. 11/643752	:	LETTER REGARDING
Filing or 371(c) Date: 12/20/2006	:	PATENT TERM ADJUSTMENT
Attorney Docket Number:	:	
16534-534C03US	:	

This is letter is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT," filed July 6, 2009. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is zero (0) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

The Determination of Patent Term Adjustment mailed April 6, 2009, indicated that the above-identified application was entitled to a PTA of 64 days. Applicants provide that an Information Disclosure Statement (IDS) submitted March 18,2 009 qualified as a submission under 37 CFR 1.704(c)(8), and further indicate that an additional 85 days of applicant delay should be applied.

The Office errantly neglected to assess a reduction of 69 days in accordance with 37 CFR 1.704(c)(8) in connection with the supplemental reply (amendment and terminal disclaimer) filed March 2, 2009. The reduction commenced December 24, 2008, the day after the date that the initial reply was filed, and ended March 2, 2009, the date of submission of the supplemental reply (amendment and terminal disclaimer).

The Office also errantly neglected to assess a reduction of 16 days in accordance with 37 CFR 1.704(c)(8), as noted by applicants, in connection with the filing of an IDS on March 18, 2009. The reduction commenced March 3, 2009, the day after the date that the first supplemental reply (amendment and terminal disclaimer) was filed, and ended March 18, 2009, the date of submission of the second supplemental reply (IDS).

In view of the foregoing, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **zero (0) days**, ((155 days of PTO delay reduced by 176 days (31 + 60 + 69 + 16) of applicant delay)), subject to any terminal disclaimer.

Regarding applicants' remarks concerning adjustment pursuant to 37 CFR 1.702(b), applicants' note that "the day that is the date that is three years from the date that the application was filed has not yet occurred. Applicants reserve the right to request any further patent term adjustment based on the actual issue date of the instant application."

Applicants' remarks are well taken. Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined.

Applicants are advised that they may wait until the time of the issuance of the patent to file a timely 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 and includes the required patent term adjustment application fee. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

No fee is due in connection with this matter.

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods at (571) 272-3232.

Alesia M. Brown
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

PALM INTRANET

Day : Tuesday
Date: 9/22/2009
Time: 07:47:18

PTA Calculations for Application: 11/643752			
Application Filing Date:	12/20/2006	PTO Delay (PTO):	155
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	91
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-85		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
60	09/22/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		16	
59	09/22/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		69	
39	04/06/2009	MAIL NOTICE OF ALLOWANCE			
38	03/31/2009	ISSUE REVISION COMPLETED			
37	03/31/2009	DOCUMENT VERIFICATION			
36	03/31/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
35	03/31/2009	EXAMINER'S AMENDMENT COMMUNICATION			
34	03/18/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
33	03/02/2009	UNTIMELY (LATE) AMENDMENT FILED			
32	03/10/2009	NOTICE OF ALLOWABILITY			
30	01/16/2009	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
29	01/15/2009	CORRESPONDENCE ADDRESS CHANGE			
28	01/15/2009	DATE FORWARDED TO EXAMINER			
27	12/23/2008	RESPONSE AFTER NON-FINAL ACTION		60	25
26	12/23/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
25	07/24/2008	MAIL NON-FINAL REJECTION	155		-1
24	07/21/2008	NON-FINAL REJECTION			
19	05/30/2008	CASE DOCKETED TO EXAMINER IN GAU			
18	04/17/2008	CASE DOCKETED TO EXAMINER IN GAU			
17	04/15/2008	FILING RECEIPT - REPLACEMENT			
16	03/31/2008	MAIL-PETITION DECISION - DISMISSED			
15	03/31/2008	PETITION DECISION - DISMISSED			
14	11/22/2007	PG-PUB ISSUE NOTIFICATION			
13	09/05/2007	CORRESPONDENCE ADDRESS CHANGE			
12	08/27/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			

11	08/16/2007	APPLICATION DISPATCHED FROM OIPE			
10	08/10/2007	SENT TO CLASSIFICATION CONTRACTOR			
9	08/13/2007	APPLICATION IS NOW COMPLETE			
8	06/21/2007	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM		31	6
7	06/28/2007	PETITION ENTERED			
6	02/21/2007	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
5	02/09/2007	CLEARED BY L&R (LARS)			
4	01/05/2007	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
3	01/05/2007	CASE CLASSIFIED BY OIPE			
2	01/03/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/21/2006	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON DC 20037-3213

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JUL 0 2 2009

OFFICE OF PETITIONS

In re Patent No. 7,492,508	:	
Application No. 11/643,760	:	
Filed: December 22, 2006	:	ON PETITION
Issued: February 17, 2009	:	
Attorney Docket No. A9447	:	

This is a decision on the petition filed May 26, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee to "Imra America, Inc. (Ann Arbor, MI)"on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

In addition to the $100.00 Certificate of Correction fee, 37 CFR 3.81(b) requires payment of a $130.00 processing fee. Accordingly, both the Certificate of Correction fee and the processing fee will be charged to petitioner's deposit account as authorized.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3206. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Liana Walsh
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

Mail Date: 07/02/2010

Applicant	: Martin E. Fermann	: DECISION ON REQUEST FOR
Patent Number	: 7688499	: RECALCULATION of PATENT
Issue Date	: 03/30/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/643,765	: OF WYETH
Filed	: 12/22/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APR 25 2007

OFFICE OF PETITIONS

In re Application of Takahiko Mitsui Application No. 11/643,805 Filed: December 22, 2006 Attorney Docket No. Q99060	DECISION DISMISSING PETITION

This is a decision on the Response to the Notice of Omitted Items filed March 19 2007 under 37 CFR 1.53(b). The response is treated as a petition under 37 CFR 1.182.

In response to the Notice to File Corrected Application Papers mailed January 30, 2007, petitioner argues that drawing figure 2 was not in fact omitted, that it was included with the drawings filed upon application. Consistent with petitioner's arguments, a review of the file reveals that Page 1 contained Figure 1 and that the following page contained a Figure but was not labeled. The figure intended to be Figure 2 was not labeled as such and so it was impossible for USPTO to reach that conclusion.

It is obvious from the petition however, that no figures were actually missing on December 22, 2006. Rather, the problem with the drawing is that it was mislabeled. The drawing on Page 2 of the drawings should have been labeled Figure 2. However, the "Notice" mailed on January 30, 2007, was correct in stating that Figure 2 described in the specification appeared to have been omitted and thus will not be withdrawn.

The Petition is **DISMISSED**.

In view of the above, the present petition was not necessitated by any error on the part of the Office and therefore the petition fee was required and will not be refunded.

This matter is being referred to the Office of Initial Patent Examination (OIPE). OIPE will be notified to process the application with the filing date of December 22, 2006 and to use the application papers filed on that date and the corrected pages

of drawings filed on March 19, 2007 with the instant petition.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/643,812	12/22/2006	Kyung-min Kim	0082.1013	3555

7590 10/14/2008
STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER
URBAN, EDWARD F

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
10/14/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 10/14/2008 BPOWELL
12/26/2006 SDENBOB1 00000074 11643812
02 FC:1111 -500.00 OP
04 FC:1202 -1850.00 OP
05 FC:1201 -2600.00 OP

Repln. Ref: 10/14/2008 BPOWELL 0013371600
DA#:150461 Name/Number:11600756
FC: 9204 $500.00 CR

FORM PET651G (Rev. 08/07)

Adjustment 12/26/2006 SDENBOB1 00000074 11643802

02	FC:1111	
04	FC:1202	-500.00 OP
05	FC:1201	-1850.00 OP
		-2600.00 OP

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 05/11/2010

Applicant	: Torsten Pechstein	: DECISION ON REQUEST FOR
Patent Number	: 7615140	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/643,834	: 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 **442** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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CHRISTINA M. EAKMAN
5304 20TH ST. N.
ARLINGTON, VA 22205

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JUL 06 2009

OFFICE OF PETITIONS

In re Application of	:	
ZIPPLIES, Robert Ernst	:	
Application No. 11/643,840	:	DECISION ON PETITION
Filed: December 22, 2006	:	TO WITHDRAW
Attorney Docket No. **ZIPP-05-001**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 18, 2008 and resubmitted June 22, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Christina M. Eakman on behalf of all attorneys of record who are associated with customer No. 56351. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ROBERT ERNST ZIPPLIES**
c/o NATALIE ROBB
6231 19TH STREET NORTH
ARLINGTON VA 22205

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CANADA

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OFFICE OF PETITIONS

In re Application of	:	
Oleksandr Miroshnychenko et al	:	
Application No. 11/643,846	:	DECISION GRANTING PETITION
Filed: December 22, 2006	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 266019.00007	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 27, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required surcharge fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice To File Missing Parts Of Nonprovisional Application mailed January 30, 2007, and the Notice Of Incomplete Reply mailed July 27, 2007, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to the Office of Patent Application Processing.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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SAP / FINNEGAN, HENDERSON LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Mail Date: 04/26/2010

Applicant	: Juergen Weiss	: DECISION ON REQUEST FOR
Patent Number	: 7637427	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/643,885	: 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 **108** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/10/08

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 11643890 Patent No.: 7388004 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

_____
Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [x] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

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YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
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SEP 10 2009

OFFICE OF PETITIONS

In re Application of :
Warwick Lightbourne :
Application No. 11/643,900 :
Filed: December 22, 2006 :
Attorney Docket No. 4506-1044 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 10, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 12, 2008. A Notice of Abandonment was subsequently mailed on July 8, 2009. In response, on July 10, 2009, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), fee of $405 and the submission required by 37 CFR 1.114; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 3764 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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON DC 20005

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OFFICE OF PETITIONS

In re Application of	:	
Hundal et al.	:	DECISION ON PETITION
Application No. 11/643,918	:	TO WITHDRAW
Filed: December 22, 2006	:	FROM RECORD
Attorney Docket No. VTX0341-US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 29, 2010.

The request is **NOT APPROVED.**

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw. Further, according to a review of current USPTO records petitioner has not recognized the current recorded assignee concerning the above-identified application or the first listed inventor. VTech Communications Limited is not the current assignee of the above-identified application. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

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OFFICE OF PETITIONS

In re Application of	:	
Wang et al.	:	
Application No. 11/643,936	:	ON PETITION
Filed: December 22, 2006	:	
Attorney Docket No. 37042-239409	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3282.

Liana Walsh
Petitions Examiner
Office of Petitions

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

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OFFICE OF PETITIONS

In re Application of	:	
Toshiaki Okuno	:	
Application No. 11/643,942	:	DECISION GRANTING PETITION
Filed: December 22, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 050395-0400	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 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 January 10, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2874 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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OFFICE OF PETITIONS

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

In re Application of	:	
Katsuya TORII, et *al.*	:	
Application No. 11/643,981	:	DECISION GRANTING PETITION
Filed: December 22, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **2018-1571**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 22, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 15, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 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.*

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Ida Williams
1322 S. 54th Street
Philadelphia PA 19143

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In re Application of	:	
Ida Antoinette Williams	:	
Application No.: 11/643989	:	DECISION ON
Filing or 371(c) Date: 12/22/2006	:	PETITION
Title of Invention: REMOTE MOVER	:	

This is a decision in response to the "Petition Under 37 CFR 1.181 to Withdraw Holding of Abandonment," filed January 23, 2009.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed April 7, 2008. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on July 8, 2008. A Notice of Abandonment was mailed October 17, 2008, and returned as undeliverable by the United States Postal Service on October 23, 2008[1]

The present petition

Applicant files the present petition and states that there is an error in the mailing address. Applicant states that she telephoned this Office and was informed that two letters were mailed to Applicant. Applicant avers that the correspondence address was correct at the time the first letter was mailed; however, Applicant avers non-receipt of the first letter. Moreover, Applicant notes that the second letter should have been forwarded to Applicant. Applicant further notes that she believes that it was the way that her address was entered into the system that led to her not receiving the documents. Applicant has included a Change of Correspondence Address with the present petition.

[1] Office records also reveal that a Notice of Publication of Application, mailed June 26, 2008, was also returned as undeliverable by the United States Postal Service on July 11. 2008.

Abandonment of the Application

Applicant is advised that the application became abandoned for Applicant's failure to reply to the non-final Office action, mailed April 7, 2008. Thereafter, the Office mailed a Notice of Publication of Application on June 26, 2008, which was returned as undeliverable by the United States Postal Service on July 11, 2008, and mailed a Notice of Abandonment on October 17, 2008, which was returned as undeliverable by the United States Postal Service on October 23, 2008.

Correspondence Address

A review of the correspondence address of record with this Office reveals that the correspondence address at the time of the mailing of the non-final Office action was that listed in the oath/declaration and Application Transmittal.Form filed with the application papers on December 22, 2006. This Office entered the correspondence as provided by applicant, so that the assertion that the way the Office entered the correspondence has some bearing on whether the Notice of Publication and Notice of Abandonment were received by Applicant is without merit.

Nonreceipt of the Office action

Regarding non-receipt of the non-final Office action, mailed April 7, 2008, Applicant states that she "did live there when the first letter was sent out." The following is provided:

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
> Practitioner must state that the Office action was not received at the correspondence

> address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). (Emphasis supplied).

Analysis/conclusion

Regrettably, the petition is not grantable at this time. The Office requirements for granting a petition to withdraw the holding of abandonment based upon non-receipt of an Office communication has been modified. The Office requires a statement from the 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. In addition, a copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The petition is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary statements and/or copies of docket records and file jacket.

Applicant is advised that she has chosen to prosecute the application without the services of a registered practitioner. In doing so, Applicant is advised that it is her responsibility to familiarize herself with the laws, rules of practice and MPEP. An Applicant who elects to proceed in prosecuting her application without an attorney steps into the shoes of the attorney. The rules of practice do not diverge depending upon whether one is an attorney or an applicant appearing before this Office in proper person. It is Applicant's obligation to inform herself about the obligations associated with prosecuting her application. See, California Med. Prods. V. Tecnol Med., 921 F.Supp 1219 (D. Del. 1995).

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Director for Patents PO Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED

MAR 13 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Anton J. Steiner, et al.	:	
Application No. 11/643,994	:	
Filed: December 22, 2006	:	
Attorney Docket No. 11762-025-999	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 22, 2009, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 22, 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 April 23, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/357,964.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STERNE, KESSLER, GOLDSTEIN & FOX
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Kevin D. Kissell	:	
Application No. 11/644,001	:	DECISION GRANTING PETITION
Filed: December 22, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No.	:	
1778.2150001(0115.01US)	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 27, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 20, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2111 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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

Yahoo! Inc.
c/o Frommer Lawrence & Haug LLP
745 Fifth Avenue
NEW YORK, NY 10151

Mail Date: 04/23/2010

Applicant	: Wongyu Cho	: DECISION ON REQUEST FOR
Patent Number	: RE40998	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/644,013	: OF WYETH
Filed	: 12/21/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JAN 21 2010

OFFICE OF PETITIONS

JAMES MARC LEAS
LAW OFFICE OF JAMES MARC LEAS
37 BUTLER DRIVE
S. BURLINGTON VT 05403

In re Application of	:	
David L. Churchill et al	:	
Application No. 11/644,038	:	DECISION GRANTING PETITION
Filed: December 22, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 115-034	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 17, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 18, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2857 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JJGJR.: 12-07

Paper No: __

BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

COPY MAILED
DEC 18 2007
OFFICE OF PETITIONS

In re Application of	:	
Fasick, et al.	:	
Application No. 11/644,048	:	ON PETITION
Filed: 22 December 2006	:	
Attorney Docket No. 072771.0128	:	

This is a decision on the petition filed on 6 September, 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 discussed above and set forth below, the petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

NOTES:

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."

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.

Thereafter, there will be no further reconsideration of this matter.

BACKGROUND

The record indicates:

- the instant application was filed on 22 December, 2006, without, *inter alia*, a fully executed oath/declaration;

- on 15 February, 2007 Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;

- on 6 September, 2007, Petitioner Lisa B. Kole (Reg. No. 35,225), filed, *inter alia*, an oath/declaration signed by co-inventor Mr. Fasick on behalf of themselves and non-signing co-inventors Nikos Panayotatos and Kwong Y Tsang (Messrs. Panayotatos and Tsang)—although the inference from the further showing is that only Mr. Tsang was non-signing, the document presented is composed of three pages on which the signatures are indicated for the third and last and on that page as filed only Mr. Fasick's signature is evident and the oath/declaration previously filed on deposit of the application was unsigned)—and the petition, which petition makes no showing that the entire application (description, claims, abstract and drawings) were transmitted as required by law to the non-signing inventors—instead Petitioner's transmittal letters clearly evidence that only the oath/declaration (with assignment) and then only to Mr. Tsang and not to Mr. Panayotatos.

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 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]

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[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).

See, specifically, the regulations at 37 C.F.R. §10.18.

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
> >
> > (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. (See: the commentary at MPEP §409.03(d).)

Thus, not only must a copy of the entire application must be sent to the last known address of the non-signing inventor 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 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 NOTES, BACKGROUND and ANALYSIS, above, and Petitioner should ensure that the deficiencies addressed there are corrected with any future petition herein, to include (but not necessarily be limited to) the requirements 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**, and Petitioner is requested to review the requirements at MPEP §409, et seq., and move stepwise through their satisfaction in any future petition herein under 37 C.F.R. §1.47.

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
ATTN.: Office of Petitions

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[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.

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. §1.23) 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

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3 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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P.O. Box 1450
Alexandria, VA 22313-1450
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BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

In re Application of	:	
Fasick, et al.	:	DECISION ON PETITION
Application No.: 11/644,048	:	
Filed: 22 December, 2006	:	
Attorney Docket No. 072771.0128	:	

This is the decision in response to the petition under 37 C.F.R. §1.47(a), filed on 8 February, 2008.

> **NOTE**: The instant petition does not appear to contain Petitioner's express statement as to the last known residence mail addresses for the non-signing inventors, however, the petition does include in its support copies of letters to the non-signing inventors with said addresses set forth therein, which the Office is taking (under Petitioner's duty of candor) to be her express representation to the Office in this regard. Should this be inconsistent with Petitioner's understanding and knowledge, Petitioner must so notify the Office immediately. (Petitioner need not be reminded that the Patent and Trademark Office is relying in this matter on Petitioner's duty of candor and good faith when accepting Petitioner's representation as to the facts set forth therein.(See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (Practitioner's obligation under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing a statement to the Patent and Trademark Office).))

The petition as considered under 37 C.F.R. §1.47(a), is **GRANTED.**

Petitioner has shown that the non-signing inventors have not replied and thus constructively have refused (also averred to have expressly refused) to sign/join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a). This application is hereby accorded Rule 1.47(a) status.

The record reflects that: Petitioner demonstrates that the entire application—description, claims, abstract and drawings—was sent to and received at the last known residence address(es) of the non-signing inventors, and that the non-signing inventors have since failed and, thus, constructively refused (and it is averred that he has expressly refused) to join in the filing of the above-identified application.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

CONCLUSION

The instant petition under 37 C.F.R. §1.47 is **granted**.

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) for further processing in due course.

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[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

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JUN 2 0 2008

DR. NIKOS PANAYOTATOS
95 MARMOUNT COURT
ORANGEBURG, NY 10962

In re Application of	:	
Fasick, et al.	:	COMMUNICATION
Application No.: 11/644,048	:	
Filed: 22 December, 2006	:	
Attorney Docket No. 072771.0128	:	

Dear Dr. Nikos Panayotatos:

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 CFR 1.47, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein 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 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.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

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).

While telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s). Moreover, the Office cannot neither advise you nor recommend Counsel in this matter.

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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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JUN 2 0 2008

DR. KWONG Y. TSANG
5420 YORK LANE
BETHESDA, MD 20814

In re Application of	:	
Fasick, et al.	:	COMMUNICATION
Application No.: 11/644,048	:	
Filed: 22 December, 2006	:	
Attorney Docket No. 072771.0128	:	

Dear Dr. Kwong Y. Tsang:

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 CFR 1.47, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein 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 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.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

Application No.: 11/644,048

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).

While telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s). Moreover, the Office cannot neither advise you nor recommend Counsel in this matter.

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

[1] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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BAKER BOTTS LLP
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK, NY 10112-4498

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MAR 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Jeffry Fasick et al	:	
Application No. 11/644,048	:	ON PETITION
Filed: December 22, 2006	:	
Attorney Docket No. 072771.0128	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 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 Restriction Requirement mailed July 15, 2008 which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 16, 2008.

The change of correspondence address submitted with the petition on February 20, 2009 is not accepted. The change of correspondence address is signed by Mary S. Webster. Office record does not list Mary S. Webster as the attorney or agent of record. A courtesy copy of this decision is being mailed to the requested change of address; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210. This matter is being referred to Technology Center AU 1642 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Nixon Peabody, LLP
401 9th Street, NW, Suite 900
Washington, DC 20004-2128

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JUN 22 2009

OFFICE OF PETITIONS

BAKER BOTTS, LLP
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK, NY 10112-4498

In re Application of	:	
Jeffrey Fasick, et al.	:	
Application No. 11/644,048	:	DECISION ON PETITION
Filed: December 22, 2006	:	TO WITHDRAW
Attorney Docket No. 044127-006000	:	FROM RECORD
	:	

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 7, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Baker & Botts, LLP has been revoked by the assignee of the patent application on May 18, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: NIXON & PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

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SMYRSKI LAW GROUP, A PROFESSIONAL CORPORATION
3310 AIRPORT AVENUE, SW
SANTA MONICA CA 90405

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OFFICE OF PETITIONS

In re Application of	:	
Jill Cook et al.	:	
Application No. 11/644107	:	DECISION ON PETITION
Filed: December 21, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. REAL0123	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 21, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a copy of the applicant Lenny Lipton's passport proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2873 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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SCHWEGMAN, LUNDBERG & WOESSNER/SAP
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 05/24/2010

Applicant	: Juergen Sattler	: DECISION ON REQUEST FOR
Patent Number	: 7660900	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/644,112	: 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 **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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ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8704

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FEB 25 2010

In re Application of	:	
Knee et al.	:	
Application No. 11/644,119	:	ON PETITION
Filed: December 22, 2006	:	
Attorney Docket No. GW-058	:	

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 a continuing application, (2) the petition fee, and (3) a proper statement of unintentional delay.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 12/616,875.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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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.
11/644,123	12/22/2006	Robert P. Morris	I436/US	4920

52354 7590 04/09/2010
SCENERA RESEARCH, LLC
JENKINS, WILSON, TAYLOR & HUNT, P.A.
111 Corning Road
SUITE 220
Cary, NC 27518

EXAMINER
COUGHLAN, PETER D

ART UNIT	PAPER NUMBER
2129	

MAIL DATE	DELIVERY MODE
04/09/2010	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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APR 08 2010

Technology Center 2100

SCENERA RESEARCH, LLC
JENKINS, WILSON, TAYLOR & HUNT, P.A.
111 Corning Road
SUITE 220
Cary NC 27518

In re Application of:
Robert P. Morris
Serial No.: 11/644,123
Filed: December 22, 2006
Docket: I436/US
Title: METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR A SELF-AUTOMATING SET OF SERVICES OR DEVICES

DECISION ON PETITION TO SUSPEND ACTION BY THE OFFICE UNDER 37 C.F.R. § 1.103(a) & M.P.E.P. § 709

This is a decision on the petition under 37 C.F.R. § 1.103(a) & M.P.E.P. § 709 filed January 13, 2010 to a request for suspension of action by the Office.

The Petition is **GRANTED**.

Recent Prosecution History

August 24, 2009 – First action on the merits mailed.

November 20, 2009 – A response to the non-final filed.

May 26, 2009 – Applicant filed a request for suspension of action by the Office under 37 C.F.R. § 1.103(a) & M.P.E.P. § 709.

RELIEF REQUESTED

Applicant requests a suspension of action by the Office for a period of SIX MONTHS, pending on a decision by the Federal Court regarding the ownership of the instant application.

RULES AND PROCEDURE

37 CFR 1.103 states in part:

...

...

Suspension of action by the Office.

(a) Suspension for cause. On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding.

MPEP 709 states in part:

...

...

Petition Under 37 CFR 1.103(a) **With a Showing of Good and Sufficient Cause**

A request that action in an application be delayed will be granted only under the provisions of 37 CFR 1.103, which provides for "Suspension of Action." A petition for suspension of action under 37 CFR 1.103(a) must:

(A) be presented as a separate paper;

(B) be accompanied by the petition fee set forth in 37 CFR 1.17(g);

(C) request a specific and reasonable period of suspension not greater than 6 months; and

(D) present good and sufficient reasons why the suspension is necessary.

DECISION

The Request for Suspension of Examination is accompanied by a fee set for the in 37 CFR §1.17(g). There is no Office action outstanding. Petitioner has provided good and sufficient cause for suspension of action by stating a decision by the Federal Court regarding the ownership of the instant application is pending.

For the reasons set forth above, the petition is **GRANTED**.

Based on Petitioner's statement, action in the instant application is hereby suspended for a period of 6 months, starting from mailing date of this Decision.

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

NEKTAR THERAPEUTICS
201 INDUSTRIAL ROAD
SAN CARLOS CA 94070

In re Application of
Hastedt et al.
Application No. 11/644,150
Filed: December 21, 2006
Title: Storage Stable Powder Compositions of Interleukin-4 Receptor

DECISION ON PETITION

This is a decision on the petition submitted on August 1, 2008[1], requesting that the above-identified application be accorded an earlier filing date of December 21, 2006, instead of the present filing date of December 22, 2006.

The filing date of an application for patent filed is the date on which a specification as prescribed by 35 U.S.C. 112 containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and any drawing required by §1.81(a) are filed in the Patent and Trademark Office. A review of the record shows a complete specification including at least one claim and drawings were present on December 21, 2006.

Accordingly, the petition is granted.

The application is being forwarded to the Office of Patent Application Processing for correction of the filing date to December 21, 2006, and the mailing of a corrected filing receipt. Thereafter, the application should be forwarded to the Office of Data Management for further processing.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

[1] It is noted that a request to correct the filing date for the above application was previously submitted on May 8, 2008.

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLE INC./BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Michael James Paquette	: DECISION ON REQUEST FOR
Patent Number	: 7657686	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/644,154	: 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 **25** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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JACK CHAN SING-CHIOW
11830 PEDERNALES FALLS LN
SUGAR LAND, TX 77478

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OFFICE OF PETITIONS

In re Application of	:	
Jack Sing-Chiow Chan	:	
Application No. 11/644,160	:	DECISION ON PETITION
Filed: December 22, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 14, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant's driver's license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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 referred to the Office of Patent Application Processing for further processing. This application will be accorded "special" status once pre-examination processing is complete.

April M. Wise
Petitions Examiner
Office of Petitions

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Curtis D. Kinghorn
Sirius Strategic, LLC
6769 W. Shadow Lake Drive
Lino Lakes, MN 55014

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OFFICE OF PETITIONS

In re Application of	:	
Richard L. Miller	:	
Application No. 11/644,167	:	DECISION ON PETITION
Filed: December 22, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. DMiller - 1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 4, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration by the inventor Richard L. Miller. 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 1797 action on the merits commensurate with this decision.

Kimberly Inabinet

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

Trellis Intellectual Property Law Group, PC
1900 Embarcadero Road
Suite 109
Palo Alto, CA 94303

In re Application of	:	
Aloke Guha	:	
Application No. 11/644,169	:	DECISION ON PETITION
Filed: December 22, 2006	:	TO WITHDRAW
Attorney Docket No. 100112-002000US	:	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 December 12, 2008 and January 28, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Charles J. Kulas on behalf of all attorneys/agents associated with customer number 37490. All attorneys/agents associated with customer number 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: Copan Systems, Inc.
1900 Pike Road, Unit A
Longmont, CO 80501

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/644,169	12/22/2006	Aloke Guha	100112-002000US

CONFIRMATION NO. 4992

POWER OF ATTORNEY NOTICE

37490
Trellis Intellectual Property Law Group, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

OC000000035182187

Date Mailed: 03/26/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/12/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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United States Patent and Trademark Office
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Yahoo c/o MOFO Palo Alto
755 Page Mill Road
Palo Alto, CA 94304-1018

In re Application of	:	
Cristobal Baray et al.	:	
Application No. 11/644,170	:	DECISION ON PETITION
Filed: December 22, 2006	:	TO WITHDRAW
Attorney Docket No. 324212015200	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 23, 2010.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to all attorneys/agents associated with customer number 76102 have been revoked by the assignee of the patent application on April 16, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below listed until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Yahoo! Inc. c/o Greenberg Traurig, LLP
Met Life Building
200 Park Avenue
New York, NY 10166

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Mark J. Pandiscio
Pandiscio & Pandiscio, P.C.
470 Totten Pond Road
Waltham MA 02451-1914

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MAY 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Ammann, et al.	:	ON PETITION
Application No.: 11/644,218	:	
Filed: December 22, 2006	:	
Attorney Docket No.: NOVAK-11	:	

This is a decision on the petition under 37 CFR 1.53(e), filed April 19, 2007 (certificate of mailing date April 16, 2007), requesting, in effect, partial withdrawal of the Notice to File Missing Parts of Nonprovisional Application, mailed February 15, 2007, insofar as it alleges that Figures 44 and 45 were omitted upon filing.

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was filed on December 22, 2006. On February 15, 2007, the Office of Initial Patent Examination mailed a Notice informing petitioners, *inter alia*, that Figures 44 and 45 appeared to have been omitted.

Petitioners argue that Figures 44 and 45 were received in the Patent and Trademark Office (PTO) on December 22, 2006. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing December 22, 2006 as the date of receipt. The postcard lists, *inter alia*, that the filing included 58 sheets of drawings. A review of the application file reveals that only 56 sheets of drawings are present.

The return postcard constitutes *prima facie* evidence that 58 sheets of drawings were filed on December 22, 2006. MPEP 503. Petitioners have submitted a copy of Figures 44 and 45. Accordingly, the request is granted.

Deposit account no. 16-0221 will be credited the $400.00 fee submitted with the present petition.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **December 22, 2006**, using the copy of Figures 44 and 45 re-submitted with the present petition.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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PALM C/O MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE CA 95113

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MAR 25 2008

OFFICE OF PETITIONS

In re Application of	:	
Kim, et al.	:	DECISION ON PETITION
Application No. 11/644,225	:	
Filed: December 22, 2006	:	
Atty. Dkt. No.: PALM-3718.CON2	:	

The above-identified application has been forwarded to the Office of Petitions for consideration of the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed December 10, 2007.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **DISMISSED AS MOOT**.

Petitioners assert non-receipt of the Notice of Allowance mailed August 3, 2007. Petitioners believe the application is abandoned for failure to timely reply a reply to the Notice of Allowance mailed August 3, 2007.

A review of the record reveals that the Notice of Allowance mailed August 3, 2007 was returned to the Office by the postal service as undeliverable August 24, 2007. The Office mailed the Notice of Allowance to an incorrect correspondence address. In accordance with Office policy, the Notice of Allowance was remailed and a new period of time set for reply. The Notice of Allowance was remailed December 3, 2007. *See*, MPEP 707.13 and 1303.02.

Accordingly, the instant application has not been held abandoned.

This application is being forwarded to the Office of Patent Publication for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN TX 77522-2149

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MAR 18 2008

OFFICE OF PETITIONS

In re Application of	:	
Bohumil Vaclav Kral	:	
Application No. 11/644,227	:	DECISION ON PETITION
Filed: December 22, 2006	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 2006B013A	:	

This is a decision on the petition, filed November 16, 2008, under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the non-provisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2129 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.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/644,227	12/22/2006	2129	2930	2006B013A	36	8

CONFIRMATION NO. 5556

CORRECTED FILING RECEIPT

23455
EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

OC000000028901169

Date Mailed: 03/17/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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)

Bohumil Vaclav Kral, Beaumont, TX;
David Jack Sandell, Beaumont, TX;

Power of Attorney: The patent practitioners associated with Customer Number 23455

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/761,634 01/24/2006

Foreign Applications

If Required, Foreign Filing License Granted: 01/26/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/644,227**

Projected Publication Date: 06/26/2008

Non-Publication Request: No

Early Publication Request: No

Title

Method for message suppression in rule based expert system

Preliminary Class

706

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 07/13/2010

Applicant	: Andrew Marshall	: DECISION ON REQUEST FOR
Patent Number	: 7642144	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/644,259	: 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 **211** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OCT 23 2008

OFFICE OF PETITIONS

Juan C. Villar
9365 Aegean Drive
Boca Raton, FL 33496

In re Application of	:	
Debra Fogel Harris	:	
Application No. 11/644,265	:	DECISION ON PETITION
Filed: December 22, 2006	:	TO WITHDRAW
Attorney Docket No. HARRIS-004	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 15, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Juan C. Villar on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

The application became abandoned for failure to timely respond to the Office action mailed April 2, 2008.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Debra Fogel Harris**
9366 Aegean Drive
Boca Raton, FL 33496

cc: **Debra Harris**
c/o David Gast, Esq.
Malloy & Malloy, P.A.
2800 S.W. Third Avenue
Miami, FL 33129

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/644,265	12/22/2006	Debra Fogel Harris	HARRIS-004

CONFIRMATION NO. 6469

POWER OF ATTORNEY NOTICE

JUAN C. VILLAR
9365 AEGEAN DRIVE
BOCA RATON, FL 33496

OC000000032742865

Date Mailed: 10/23/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/15/2008.

- 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.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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INTEL/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 07/21/2010

Applicant	: Sean S. Eilert	: DECISION ON REQUEST FOR
Patent Number	: 7650459	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/644,270	: 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 **434** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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DICKE, BILLIG & CZAJA
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS MN 55402

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FEB 18 2010

OFFICE OF PETITIONS

In re Patent No. 7,538,034	:	
Application No. 11/644,285	:	
Filed: December 22,2006	:	ON PETITION
Issued: May 26, 2009	:	
Attorney Docket No. I441.102.101/QIM3695-US	:	

This is a decision on the petition filed December 8, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to add the name of the second assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **DISMISSED**.

Petitioner states that the correct assignee's names are "QIMONDA AG", Munich, Germany and "NANYA TECHNOLOGY CORPORATION" Taoyuan, Taiwan and that the second assignee's name was not included on the Part B - Fee(s) Transmittal form at the time of payment of the issue fee.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

A review of Office database assignment records reflects that an assignment to QIMONDA AG and NANYA TECHNOLOGY CORPORATION has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that QIMONDA AG., Munich, Germany and NANYA TECHNOLOGY CORPORATION Taoyuan, Taiwan were the assignees of record at the time of issuance of the application into a patent. *Note also* 35 U.S.C. § 152.

In view of the above, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth "QIMONDA AG, Munich, Germany" and "NANYA TECHNOLOGY CORPORATION, Taoyuan, Taiwan", as the assignees. ***No certificate of correction will be issued which sets forth an assignee other than the assignees set forth in this request. A copy of this decision must accompany the request for a Certificate of Correction.***

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in this request, since this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-7751. Inquiries regarding the certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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CORNING INCORPORATED
SP-TI-3-1
CORNING, NY 14831

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MAY 15 2008
OFFICE OF PETITIONS

In re Application of
LAERKE, et al.
Application No. 11/644,298
Filed: December 22, 2006
Attorney Docket No. **SP05-167**

DECISION ON PETITION
UNDER 37 CFR 1.313(c)(1)

This is a decision on the petition, filed May 9, 2008, requesting withdrawal of the above-identified application from issue under the provisions of 37 CFR 1.313(c).

The petition is **DISMISSED AS MOOT**.

A review of the record discloses that the issue fee, as required by the Notice of Allowance and Issue Fee Due mailed January 14, 2008, was not paid on or before April 14, 2008. It is noted that, Part B of the Issue Fee Transmittal was filed on April 11, 2008, authorizing that the requisite fees be charged to counsel's deposit account. However, when an attempt was made to charge the requisite fees, the deposit account did not contain sufficient funds. The statute is clear that failure to timely pay the issue fee within three months of the mailing date of the Notice of Allowance and Issue Fee Due will result in abandonment of the application. Accordingly, this application became abandoned by operation of law on April 15, 2008. Since the present petition was filed after abandonment of the application, the petition cannot be granted. Consequently, the Request for Continued Examination (RCE) and Information Disclosure Statement (IDS) filed May 9, 2008 will not be further processed. The fees submitted with the RCE and IDS are refundable.

Applicant is advised that the abandonment of this application may only be overcome by filing a petition to revive under 37 CFR 1.137. A petition to revive may be appropriate if applicant's failure to reply was either unavoidable or unintentional. A petition under 37 CFR 1.137(a) or (b) cannot be intentionally delayed and therefore should be filed promptly. If petitioner chooses not to file a petition to revive this application, petitioner may simply request that the filing fees for the Improper RCE and IDS on May 9, 2008 be refunded.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed;[1] (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the

[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.

satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

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

The centralized facsimile number is **(571) 273-8300**.

Any questions concerning this matter may be directed to the undersigned at (571) 272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CORNING INCORPORATED
SP-TI-3-1
CORNING, NY 14831

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SEP 2 9 2008

OFFICE OF PETITIONS

In re Application of	:	
Per Rasmussen, et. al	:	
Application No. 11/644,298	:	DECISION ON PETITION
Filed: December 22, 2006	:	
Attorney Docket No. SP05-167	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 16, 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 $1440 and the publication fee of $300, (2) the petition fee of $1540; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to the Office of Data Management for processing into a patent.

for

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CORNING INCORPORATED
SP-TI-3-1
CORNING NY 14831

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OCT 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Per Rasmussen Laerke, et al.	:	
Application No. 11/644,298	:	DECISION GRANTING PETITION
Filed: December 22, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SP05-167	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 3, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 16, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 2833 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

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.*

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

WEI TE CHUNG
FOXCONN INTERNATIONAL, INC.
1650 MEMOREX DRIVE
SANTA CLARA, CA 95050

Mail Date: 04/26/2010

Applicant	: Chien-Fan Tung	: DECISION ON REQUEST FOR
Patent Number	: 7663595	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/644,307	: 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 **644** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO CA 94303

COPY MAILED
FEB 12 2010

In re Application of	:	
Raman K. Rao	:	
Application No. 11/644,308	:	DECISION ON PETITION
Filed: December 21, 2006	:	
Attorney Docket No. IPHLNZ00302	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 23, 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 October 24, 2008. A Notice of Abandonment was mailed February 17, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $810.00, and (3) an adequate statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 2618 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COURTNEY STANIFORD & GREGORY LLP
10001 N. DE ANZA BLVD., SUITE 300
CUPERTINO, CA 95014

COPY MAILED
FEB 12 2010

In re Application of	:	
Raman K. Rao	:	DECISION ON PETITION
Application No. 11/644,308	:	TO WITHDRAW
Filed: December 21, 2006	:	FROM RECORD
Attorney Docket No. IPHLNZ00302	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 22, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on February 2, 2010 the power of attorney to Courtney Saniford & Gregory 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: LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO CA 94303

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

WHIRLPOOL PATENTS COMPANY - MD 0750
500 RENAISSANCE DRIVE - SUITE 102
ST. JOSEPH, MI 49085

Mail Date: 04/21/2010

Applicant	: Brian K. Culley	: DECISION ON REQUEST FOR
Patent Number	: 7621475	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/644,310	: 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 **140** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

OIPE
APR 03 2008
PATENT & TRADEMARK OFFICE

11/644328

Practitioner's Docket No. U 016638-5 *PATENT*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent: 7,332,621 Application No.:

Date of Issue: February 19,, 2008

Name of Patentee: Meihua XIE

Title of Invention: PROCESS FOR PREPARING TAMSULOSIN

Certificate
APR 07 2008
of Correction

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Attention: Office of Petitions

PETITION FOR CORRECTION OF ASSIGNEE'S NAME

NOTE: The Issue Fee Transmittal Form portion (PTOL-85B) of the Notice of Allowance provides a space (item 3) for assignment data which should be completed in order to comply with 37 C.F.R. Section 3.81. Unless an assignee's name and address are identified in the appropriate space for specifying the assignee (i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B), the patent will issue to the applicant. Assignment data printed on the patent will be based solely on the information so supplied.

A request for a certificate of correction under 37 C.F.R. Section 1.323 arising from incomplete or erroneous assignee's name furnished in item 3 of PTOL-85B will not be granted unless a petition under 37 C.F.R. Section 1.183 has been granted. Section 1481, M.P.E.P., 7th Edition.

1. Patentee hereby petitions to correct the assignee's name on the above identified patent by issuing the attached Certificate of Correction (form PTO-1050).

2. It is requested that 37 C.F.R. Section 3.81(a) be waived to permit the correct name of the assignee to be provided after the issuance of this patent.

3. The failure to include the correct assignee name on the PTOL-85B form was inadvertent.

4. A copy of the Notice of Recordation of Assignment Document is attached.

5. Patentee also hereby petitions for a Certificate of Correction for the Patent Office error in the priority date. A copy of page 4 of the Declaration filed December 22, 2006, is attached to show the record of the correct priority date.

Date: March ~~28~~ 31, 2008

04/03/2008 RMEBRAHT 00000003 7332621

01 FC:1811 100.00 OP
02 FC:1464 130.00 OP

6. Petition and Certificate of Correction fees (37 C.F.R. Section 1.17(i) and 37 C.F.R. Section 1.20(a)).

The petition fee of $130.00 (37 C.F.R. Section 1.17(i) and the Certificate of Correction fee of $100.00 (37 C.F.R. Section 1.20(a)) are paid as follows:

☐ charge Account _____ the sum of $230.00

☒ check attached for the sum of $230.00

Please charge or refund to Account 12-0425 for any petition and/or Certificate of Correction fee deficiency or overpayment.

7. Signature of person making statement that incorrect assignee's name placed on Form PTOL-85B was inadvertent:

_____
Signature

_____
Type or print name of person signing

_____
SIGNATURE OF PRACTITIONER

Reg. No.: John Richards, 31053, (212) 708-1915
(type or print name of practitioner)

Tel. No.: ( )

_____
P.O. Address

Customer No.:

_____
c/o Ladas & Parry LLP
26 West 61st Street
New York, N.Y. 10023

PTO/SB/44 (02-01)
Approved for use through 1/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: 7,332,621
DATED : February 19, 2008
INVENTOR(S): Meihua XIE

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On title page, item 73, "Ktd." should read -- Ltd. -- and item 30, "11, 2005" should read -- 16, 2004 --.

MAILING ADDRESS OF SENDER:

John Richards
c/o Ladas & Parry LLP
26 West 61st Street
New York, N.Y. 10023
Reg. No. 31053
Tel. No. (212) 708-1915

PATENT NO. 7,332,621

No. of additional copies

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Office, Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

(2) The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. 119(b) or PCT Rule 17 must, in any event, be filed before the patent is granted. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by the processing fee set forth in ' 1.17(i), but the patent will not include the priority claim unless corrected by a certificate of correction under 35 U.S.C. 255 and ' 1.323.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d) [ ] no such applications have been filed.
(e) [X] such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. SECTION 119(a)-(d)

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING DAY, MONTH, YEAR	PRIORITY CLAIMED UNDER 35 USC 119
P. R. China	200410058397.6	16 August 2004	[X]YES [ ]NO
			[ ]YES [ ]NO
			[ ]YES [ ]NO
			[ ]YES [ ]NO
			[ ]YES [ ]NO

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

BC

November 16, 2009

In re application of Kazunori Morimoto et al. Serial No. 11/644,371 Filed: December 21, 2006 For: MANUFACTURING EQUIPMENT OF DISPLAY DEVICE AND MANUFACTURING METHOD OF DISPLAY DEVICE	: : : : : : : :	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) to make the above-identified application special filed September 21, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or

ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or

iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

c. A statement that the English translation is accurate;

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)

b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

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 Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

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.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

David Shofi
Advanced Technology Materials, Inc.
7 Commerce Drive
Danbury, CT 06810

COPY MAILED
DEC 26 2007
OFFICE OF PETITIONS

In re Application of	:	
Kevin T. O'Dougherty et al.	:	
Application No. 11/644,380	:	DECISION ON PETITION
Filed: December 22, 2006	:	
Attorney Docket No. N95.12-0024	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 10, 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 non-final Office action mailed March 22, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 25, 2007. (June 23-24, 2007 was a weekend). A Notice of Abandonment was mailed on September 28, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment after non-final, (2) the petition fee of $1,540.00, 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.

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2876 for appropriate action by the Examiner in the normal course of business on the reply received October 10, 2007.

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Paul G. Koziol
312 South Third Street
Minneapolis, MN 55415-1002

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

FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK NY 10038

COPY MAILED

JUL 30 2007

OFFICE OF PETITIONS

In re Application of	:	
Trabada et al.	:	
Application No. 11/644384	:	DECISION GRANTING
Filing or 371(c) Date: 12/21/2006	:	STATUS UNDER
Attorney Docket No.	:	37 CFR 1.47(a)
10121/01307 (99-0090US2)	:	

This is in response to the Petition Under 37 C.F.R §1.47(a), filed May 30, 2007. Applicant filed a Oath/Declaration from prior application 10/753,848, of which the above-identified application is a divisional application.

As provided in 37 CFR 1.63(d)

> (1) A newly executed oath or declaration is not required under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application, provided that:
> (i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;
> (ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;
> (iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and
> (iv) A copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application.
> (2) The copy of the executed oath or declaration submitted under this paragraph for a continuation or divisional application must be accompanied by a statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application.
> (3) Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:
> (i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed

an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c); and
(ii) If one or more inventor(s) or legal representative(s) who refused to join in the prior application or could not be found or reached has subsequently joined in the prior application or another application of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c), a copy of the subsequently executed oath(s) or declaration(s) filed by the inventor or legal representative to join in the application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.63(d). This application is hereby accorded Rule 1.47(a) status. The Office will dispense with the Notice to the nonsigning inventor and the announcement in the Official Gazette.[1].

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

[1] See 37 CFR 1.47(c) and MPEP 201.06(c).

UNITED STATES PATENT AND TRADEMARK OFFICE

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INTEL CORPORATION
c/o INTELLEVATE, LLC
P.O. BOX 52050
MINNEAPOLIS, MN 55402

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AUG 13 2007
OFFICE OF PETITIONS

In re Application of Rothman et al. :
Application No. 11/644,407 : Decision on Petition
Filing Date: December 22, 2006 :
Attorney Docket No. P23471 :

This is a decision in response to the petition filed March 8, 2007, requesting, in effect, that Figure 4A filed on March 8, 2007, be entered as part of the original disclosure.

The petition is **granted**.

The application was filed March 8, 2007.

The Office of Initial Patent Examination mailed a Notice to File Corrected Application Papers on January 29, 2007. The Notice stated Figure 4A did not appear to be part of the application as filed. The Notice also required the submission of a replacement drawing for Figure 1.

A replacement drawing sheet for Figure 1, the instant petition, and a copy of drawing Figure 4A, were filed March 8, 2007.

The petition alleges Figure 4A was filed with the original application.

The USPTO file for this application includes only 4 sheets of drawings. The file does not contain all five drawing sheets, including the sheet with Figure 4A, petitioner alleges were filed December 22, 2006. However, petitioner has submitted a postcard receipt acknowledging receipt of 5 sheets of drawings on December 22, 2006.[1] Therefore, the Office is persuaded the drawing sheet containing Figure 4A was part of the originally filed application but was later misplaced by the Office.

The petition fee of $400 has been credited back to petitioner's deposit account.

[1] Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

The Office of Initial Patent Examination will be informed of the instant decision and the application will be processed with a filing date of December 12, 2006, using the papers filed December 12, 2006, the replacement drawing sheet containing Figure 1 filed March 8, 2007, and the drawing sheet containing Figure 4A filed March 8, 2007.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : July 10, 2007

TO SPE OF : ART UNIT 3723

SUBJECT : Request for Certificate of Correction for Appl. No. 11/644425 patent no.7229342

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 116

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

SPE

3728

Art Unit

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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SMYRSKI LAW GROUP, A PROFESSIONAL CORPORATION
3310 AIRPORT AVENUE, SW
SANTA MONICA CA 90405

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APR 0 2 2007

OFFICE OF PETITIONS

In re Application of	:	
Lenny, **LIPTON** et al.	:	
Application No. 11/644,444	:	DECISION ON PETITION
Filed: December 21, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. REAL0124	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 21, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes the passport and affidavit of inventor Lenny Lipton, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3725 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Nixon Peabody LLP
P.O. Box 60610
Palo Alto, CA 94306

Mail Date: 04/21/2010

Applicant	: Patrick Blessing	: DECISION ON REQUEST FOR
Patent Number	: 7597234	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/644,445	: 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 **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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MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

Mail Date: 04/21/2010

Applicant	: Alessandro Maggioni	: DECISION ON REQUEST FOR
Patent Number	: 7632986	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/644,452	: 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 **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

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Philippe Kahn	: DECISION ON REQUEST FOR
Patent Number	: 7653508	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/644,455	: 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 **556** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 G. LANE
WILLIAM G. LANE, INC., PC
16485 LAGUNA CANYON RD
SUITE 250
IRVINE CA 92618

MAILED

AUG 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Zhi Man Yuan et al.	:	
Application No. 11/644,466	:	DECISION ON PETITION
Filed: December 21, 2006	:	
Attorney Docket No. H010-1027	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 29, 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 May 2, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed February 2, 2009. Accordingly, the date of abandonment of this application is May 3, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1500, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Ron Abelson at (571) 272-3165 or the undersigned at (571) 272-7099.

This application is being referred to the office of Data Management for processing into a patent.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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HOUSTON TX 77056-2722

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OFFICE OF PETITIONS

In re Application of :
Yan et al. :
Application No. 11/644,472 : DECISION ON PETITION
Filed: December 22, 2006 :
Attorney Docket No. 62.0013 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 14, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts of Nonprovisional Application which was mailed on February 1, 2007. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on April 2, 2007. A Notice of Abandonment was mailed on October 23, 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(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03 (c)(III)(c) and (D).

The instant petition lacks item(s) (1) and (3). Although a declaration was submitted on petition, the declaration does not meet the requirements of 37 CFR 1.63 (b)(3). A new oath or declaration is required. The oath or declaration is defective because it does not 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 Rule §1.56. Instead of "material to patentability," it improperly states "material to the examination of this application.,"

As to item (3), 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional."

Further, the correspondence address and power of attorney contained in the declaration will not be entered. A courtesy copy, however, will be provided to petitioner. The correspondence address of record will remain until an appropriate change has been requested.

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 $2,230.00 extension of time fee submitted with the petition on December 14, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Michael F. Hoffman
Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, NY 12207

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Yan et al.	**Conf. No.:**	6552
Serial No.:	11/644,472	**Art Unit:**	Unknown
Filing Date:	12/22/2006	**Examiner:**	Unknown
Title:	METHOD AND APPARATUS FOR EVALUATING ELASTIC MECHANICAL PROPERTIES OF A TRANSVERSELY ISOTROPIC FORMATION	**Docket No.:**	62.0013 (SLBG-0008)

Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE UNINTENTIONALLY ABANDONED

APPLICATION UNDER 37 C.F.R. § 1.137(b)

Sir:

This Petition is being filed subsequent to the Notice of Abandonment mailed October 23, 2007, citing Applicants' alleged failure to timely file a proper reply to the Notice to File Missing Parts of Nonprovisional Application of February 1, 2007.

1) Applicants hereby petition to revive the Unintentionally Abandoned Application as identified above.

2) Applicants hereby authorize charge of the petition fee of $1540 (37 C.F.R. § 1.17(m)) to deposit account 503742.

Adjustment date: 01/04/2008 CKHLOK
12/14/2007 INTEFSW 00007523 503742 11644472
03 FC:1255 2230.00 CR

3) The reply to the above-identified Notice to File Missing Parts in the form of a Declaration for Patent Application and Power of Attorney is attached hereto as Exhibit A.

4) Since the utility application was filed after June 8, 1995, no terminal disclaimer is required.

5) Applicants respectfully 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 C.F.R. § 1.137(b) was unintentional.

Respectfully submitted,

/Michael F. Hoffman/

Michael F. Hoffman
Reg. No.: 40,019

Date: December 13, 2007

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 01/04/08

2 Serial/Patent # 11/644,472

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing (2007)			$
	Amendment			$
X	Extension of Time (1255)		12/14/07	$ 2,230.00
	Notice of Appeal/Appeal			$
	Petition (1462)			$
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other (2801)			$

7 TOTAL AMOUNT OF REFUND $ 2,230.00

8 TO BE REFUNDED BY:

	Treasury Check
X	Credit Deposit A/C #:

9 5 0 -- 3 7 4 2

10 REASON:

	Overpayment
	Duplicate Payment
	No Fee Due (Explanation):

Max extension expired

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Charlema Grant TITLE: Atty

SIGNATURE: /Charlema Grant/ PHONE: X-3215

OFFICE: OP

****

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APPROVED: CKhok DATE: 1/4/08

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Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jianping Zhang
Hoffman, Warnick & D'Alessandro, LLC
75 State Street, 14th Street
Albany, NY 12207

COPY MAILED

MAR 25 2008

OFFICE OF PETITIONS

In re Application of :
Yan et al. :
Application No. 11/644,472 : DECISION ON PETITION
Filed: December 22, 2006 :
Attorney Docket No. 62.0013 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 19, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts of Nonprovisional Application which was mailed on February 1, 2007. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on April 2, 2007. A Notice of Abandonment was mailed on October 23, 2007. A petition filed under 37 CFR 1.137(b) was dismissed on January 4, 2008.

The power of attorney contained in the declaration will not be entered because; applicant has requested the practitioners from two customer numbers (48879 and 23550) be entered. The Office computer system does not allow for the entry of two customer numbers for the designation of practitioners. See 37 CFR 1.32(c).

This application is being referred to the Office of Patent Application Processing for pre-exam processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL (AMD)
P.O. BOX 398
AUSTIN, TX 78767-0398

Mail Date: 04/20/2010

Applicant	: Patrick N. Conway	: DECISION ON REQUEST FOR
Patent Number	: 7669011	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/644,488	: 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 **496** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

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APR 0 2 2007

OFFICE OF PETITIONS

In re Application of	:	
W. Thomas McClellan	:	
Application No. 11/644,531	:	DECISION ON PETITION
Filed: December 22, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. TMF-8865	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 22, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant's drivers license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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 3641 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/644,546	12/22/2006	2833	2650	BBM-166US	53	2

CONFIRMATION NO. 4504

CORRECTED FILING RECEIPT

OC000000022812300

23122
RATNERPRESTIA
P O BOX 980
VALLEY FORGE, PA 19482-0980

Date Mailed: 03/09/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Joerg Schumacher, Tuttlingen, GERMANY;
Brian E. Dalton, Erie, PA;
Uwe Hahn, Rheinberg, GERMANY;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/29/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/644,546

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Surgical instrument and osteosynthesis device

Preliminary Class

439

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.

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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MAY 1 1 2010

OFFICE OF PETITIONS

PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS CA 95618-7759

In re Patent No. 7,693,178	:	
Issue Date: April 6, 2010	:	
Application No. 11/644,562	:	NOTICE
Filed: December 21, 2006	:	
Attorney Docket No. TEK06-1002	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K Page

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PVF -- SYNOPSYS, INC
c/o PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 04/21/2010

Applicant	: Kayhan Kucukcakar	: DECISION ON REQUEST FOR
Patent Number	: 7650580	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/644,563	: 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 **385** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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PVF -- SYNOPSYS, INC
c/o PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 05/18/2010

Applicant : Kayhan Kucukcakar
Patent Number : 7650580
Issue Date : 01/19/2010
Application No : 11/644,563
Filed : 12/21/2006

: 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 **435** 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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CHA & REITER, LLC
210 ROUTE 4 EAST STE 103
PARAMUS, NJ 07652

Mail Date: 04/21/2010

Applicant	: Dae-Kwang Jung	: DECISION ON REQUEST FOR
Patent Number	: 7639949	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/644,570	: 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 **540** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ALEXANDRIA, VA 22313-1450
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Paper No. None

Maryam Imam, Esq.
LAW OFFICES OF IMAM
Suite 1010
111 North Market Street
San Jose CA 95113

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JUN 07 2007

OFFICE OF PETITIONS

In re Application of :
Daniel Wayne Bedell et al. :
Application No. 11/644,574 : DECISION ON PETITION
Filed: December 22, 2006 :
Attorney Docket No.: :
HSJ9-2005-0277US1 :
Title: METHOD FOR FORMING :
INTERLEAVED COILS WITH :
DAMASCENE PLATING :

This is a decision on the petition filed February 8, 2007, requesting that the above-identified application be accorded a filing date of December 22, 2006, with Figure 8(h) included as part of the original disclosure.

The application was deposited on December 22, 2006. However, on January 29, 2007, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application" (notice), stating that the application had been accorded a filing date of December 22, 2006, and advising applicants that the application appeared to have been deposited without Figure 8(h). The notice further indicated that an executed oath or declaration along with the fee associated with the late submission of the same would be required, and set a two-month period for response.

In response, on February 8, 2007, applicants filed the present petition along with a copy of Figure 8(h), the petition fee, an executed declaration, and the fee associated with the late submission of the same.

It is noted that the notice set forth two options for the applicant. The first option indicated that if the applicant wished to contend that the missing figure was present at the time of filing, a petition would need to be filed. The second option indicated that a petition would be required should the applicant decide to supply the omitted item at a later date and accept this later date as his filing date.

With the present petition, it appears that Petitioner seeks a third option - she has attempted to introduce a figure which was not present on filing[1], yet wishes to retain the original filing date of December 22, 2006.

This cannot be done.

It is clear that Figure 8(h) was not present on filing. Petitioner has two options - Figure 8(h), which was not present on filing, can be entered into the record if she accepts the date of its receipt, February 8, 2007, as the filing date for the present application. Alternatively, the application can retain a filing date of December 22, 2006, and Figure 8(h) will not be entered into the record.

With the present petition, Petitioner has set forth, over her registration number, that with the submission of this drawing, "no new subject matter is being submitted now[2]." Petitioner should note that the acceptance of a filing date of December 22, 2006 without the entry of this drawing does not preclude her from filing an amendment to present this figure at a later date via the filing of an amendment which requests its entry. Any such amendment will, of course, be reviewed by the examiner for new matter[3].

As it is not clear which option Petitioner would prefer, the present petition must be **DISMISSED**.

Figure 8(h) will not be entered at the present time.

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. 1.53". This is not a final agency action within the meaning of 5 U.S.C 704.

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1 On the first page of this petition, Petitioner has set forth that Figure 8(h) "was not submitted on the date of deposit of the subject application."
2 Petition, page 2.
3 See MPEP 608.02(h) and 608.04.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[4], hand-delivery[5], or facsimile[6].

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[7]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

---

4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (571) 273-8300- please note this is a central facsimile number.
7 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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Paper No. None

Maryam Imam, Esq.
LAW OFFICES OF IMAM
Suite 1010
111 North Market Street
San Jose CA 95113

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JUL 06 2007

OFFICE OF PETITIONS

In re Application of	:	
Daniel Wayne Bedell et al.	:	
Application No. 11/644,574	:	DECISION ON RENEWED PETITION
Filed: February 8, 2007	:	
Attorney Docket No.:	:	
HSJ9-2005-0277US1	:	
Title: METHOD FOR FORMING	:	
INTERLEAVED COILS WITH	:	
DAMASCENE PLATING	:	

This is a decision on the renewed petition filed June 18, 2007, requesting that the above-identified application be accorded a filing date of February 8, 2007, with Figure 8(h) included as part of the original disclosure.

The application was deposited on December 22, 2006. However, on January 29, 2007, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application" (notice), stating that the application had been accorded a filing date of December 22, 2006, and advising applicants that the application appeared to have been deposited without Figure 8(h). The notice further indicated that an executed oath or declaration along with the fee associated with the late submission of the same would be required, and set a two-month period for response.

An original petition was filed on February 8, 2007. Petitioner included a copy of Figure 8(h), which had not been included on initial deposit, and requested the entry of the same. The

initial petition was dismissed via the mailing of a decision on June 7, 2007.

With this renewed petition, the following text appears: "…a request is being made to grant the filing date of the submission of Fig. 8(h), i.e. the date of deposit of February 8, 2007, as the filing date of the subject application." Based on this text, it is clear that Petitioner accepts the date of deposit of the formerly omitted drawing as the filing date.

The petition is **GRANTED.**

The Office of Initial Patent Examination will be advised to process this application with a **filing date of February 8, 2007**, the date of receipt of the formerly omitted item, Figure 8(h), using the original application papers deposited on December 22, 2006, as well as Figure 8(h), submitted with the original petition on February 8, 2007. **OIPE will then mail a corrected filing receipt**.

The general phone number for OIPE is 571-272-4000. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

LAW OFFICES OF DAVIS CHIN & ASSOCIATES
10281 WEST LINCOLN HIGHWAY
FRANKFORT IL 60423-1279

MAILED

JUN 14 2010

OFFICE OF PETITIONS

In re Application of
John L. Melanson
Application No. 11/644,597
Filed: December 22, 2006
Attorney Docket No. 06B-2179

ON PETITION

This is a decision in response to the petition filed May 18, 2010, under 37 CFR 1.181(b), to withdraw the holding of abandonment, which is being treated, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned April 27, 2010 for failure to pay the issue fee on or before April 26, 2010 as was required by the Notice of Allowance mailed January 25, 2010. Accordingly, a Notice of Abandonment was mailed May 10, 2010.

While the file record discloses that the Notice of Allowance was sent to what was believed to be the address of record, the same address to which the Notice of Abandonment was sent and received, petitioner contends that it was not received. In support, petitioner indicates that a search of the file jacket and docket records revealed that the Notice was not received and submits copies of the file jacket and pages from the master docketing system, wherein receipt of the Notice would have been entered, had it been received, to substantiate the claim. The statement and attachments corroborate non-receipt of the Notice of Allowance.

In view of the facts set forth in the petition, it is concluded that the Notice of Allowance was never received. Accordingly, the holding of abandonment is withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 2618 for a re-mailing of the Notice of Allowance and Notice of Allowability.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Ryuichi Tohma	: DECISION ON REQUEST FOR
Patent Number	: 7589892	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/644,603	: 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 **4** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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

KIMBERLY-CLARK WORLDWIDE, INC.
401 NORTH LAKE STREET
NEENAH WI 54956

In re Application of
Vasily Aramovich Topolkaraev et al.
Application No. 11/644,604
Filed: December 22, 2006
Attorney Docket No. 645047227US01

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition filed March 19, 2007 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed without an executed oath or declaration. Accordingly, on January 29, 2007, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, an oath or declaration executed by all joint inventors except Richard Warren Tanzer and the instant petition under 37 CFR 1.47(a) were filed. The petition argues that joint inventor Tanzer 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. Tanzer and that to date 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.

This matter will be referred to Technology Center 1771 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 18 2009

TO SPE OF : ART UNIT 1796

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/644606/ 7413781

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Magdalene Talley
Certificates of Correction Branch

703-308-9390 ext. 120

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

(for James Seidleck) Susan Berman — **SPE**

1796 — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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INTEL/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED

MAY 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Doran et al.	:	
Application No. 11/644,607	:	DECISION ON PETITION
Filed: December 21, 2006	:	
Attorney Docket No. 42P25144	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 6, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 7, 2009. A Notice of Abandonment was mailed February 22, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,620.00, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 2186 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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WILSON SONSINI GOODRICH & ROSATI
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JAN 05 2009

OFFICE OF PETITIONS

In re Application of	:	
J. William Langston	:	
Application No. 11/644,616	:	DECISION ON PETITION
Filed: December 22, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 16816-706.201	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 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 a statement by applicant's representative that is in possession of evidence of applicant's age. 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 1649 for action on the merits commensurate with this decision.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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INTEL/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 08/02/2010

Applicant	: Nadia Rahhal-Orabi	: DECISION ON REQUEST FOR
Patent Number	: 7655986	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/644,639	: 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 **144** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Kelly HIRANO, et al	:	
Application No. 11/644,670	:	DECISION ON PETITION
Filed: December 22, 2006	:	TO WITHDRAW
Attorney Docket No. 324212015300	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 23, 2010.

The request is **NOT APPROVED because it is moot**.

A review of the file record indicates that the power of attorney to Robert A. Saltzberg and all the attorneys of record associated with Customer No. 76102, has been revoked by the assignee of the patent application on April 19, 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

cc: ROBERT A. SALTZBERG
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 24 2010

OFFICE OF PETITIONS

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In re Application of	:	
Steve S. LIN	:	
Application No. 11/644,671	:	DECISION ON PETITION
Filed: December 22, 2006	:	TO WITHDRAW
Attorney Docket No. 324212015900	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 23, 2010.

The request is **NOT APPROVED because it is moot**.

A review of the file record indicates that the power of attorney to Robert A. Saltzberg and all the attorneys of record associated with Customer No. 76102, has been revoked by the assignee of the patent application on April 19, 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

cc: ROBERT A. SALTZBERG
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

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MCDERMOTT WILL & EMERY, LLP
18191 VON KARMAN AVE.
SUITE 500
IRVINE, CA 92612-7108

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OCT 28 2008

OFFICE OF PETITIONS

In re Application of	:	
Mark Moshayedi	:	
Application No. 11/644,689	:	ON PETITION
Filed: December 23, 2006	:	
Attorney Docket No. DDELIVERY.01A	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 9, 2008, to revive the above-identified application.

The application became abandoned for failure to file a reply to the Notice to File Missing Parts of Nonprovisional Application mailed May 7, 2007. A Notice of Abandonment was mailed on January 17, 2008.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $65 surcharge; (2) the petition fee of $770; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Power of Attorney filed on April 9, 2008 has been accepted and made of record. A Notice of Acceptance accompanies this decision.

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

Enclosure: Notification of Acceptance of Power of Attorney

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/644,689	12/23/2006	Mark Moshayedi	069985-0035

CONFIRMATION NO. 6447

POA ACCEPTANCE LETTER

31824
MCDERMOTT WILL & EMERY LLP
18191 VON KARMAN AVE.
SUITE 500
IRVINE, CA 92612-7108

OC000000032726415

Date Mailed: 10/22/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/09/2008.

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.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MAY 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Karon A. WEBER, et al	:	
Application No. 11/644,696	:	DECISION ON PETITION
Filed: December 22, 2006	:	TO WITHDRAW
Attorney Docket No. 324212012300	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 23, 2010.

The request is **NOT APPROVED because it is moot**.

A review of the file record indicates that the power of attorney to Robert A. Saltzberg and all the attorneys of record associated with Customer No. 76102, has been revoked by the assignee of the patent application on April 19, 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

cc: ROBERT A. SALTZBERG
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/644,697	12/22/2006	Algirdas Vaskelis	PA4003US	6417

22830 7590 07/29/2008
CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

EXAMINER
BAREFORD, KATHERINE A

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
07/29/2008	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.

Doc Code: PET.STATUS
Document Description: Petition for review/processing depending on status.

O I P E
JUN 3 0 2008
PATENT & TRADEMARK OFFICE

PTO/SB/83 (04-08)
Approved for use through 12/31/2008. OMB 0651-0035
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 WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	11/644,697
Filing Date	December 22, 2006
First Named Inventor	Algirdas Vaskelis
Art Unit	1792
Examiner Name	Unknown
Attorney Docket Number	PA4003US

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 7-29-08
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

Please withdraw me as attorney or agent for the above identified patent application, and

- [ ] all the practitioners of record;
- [ ] the practitioners (with registration numbers) of record listed on the attached paper(s); or
- [x] the practitioners of record associated with Customer Number: 22830

NOTE: The immediately preceding box should only be marked when the practitioners were appointed using the listed Customer Number.

The reason(s) for this request are those described in 37 CFR :

[ ] 10.40(b)(1)	[ ] 10.40(b)(2)	[ ] 10.40(b)(3)	[x] 10.40(b)(4)
[ ] 10.40(c)(1)(i)	[ ] 10.40(c)(1)(ii)	[ ] 10.40(c)(1)(iii)	[ ] 10.40(c)(1)(iv)
[ ] 10.40(c)(1)(v)	[ ] 10.40(c)(1)(vi)	[ ] 10.40(c)(2)	[ ] 10.40(c)(3)
[ ] 10.40(c)(4)	[ ] 10.40(c)(5)	[ ] 10.40(c)(6) Please explain below:	

Certifications

Check each box below that is factually correct. WARNING: If a box is left unchecked, the request will likely not be approved.

1. [x] I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment.

2. [x] I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled.

3. [x] I/We have notified the client of any responses that may be due and the time frame within which the client must respond.

Please provide an explanation, if necessary:

Client has discharged the above attorneys of record associated with customer number 22830.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/83 (04-08)
Approved for use through 12/31/2008. OMB 0651-0035
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 WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Complete the following section only when the correspondence address will change. *Changes of address will only be accepted to an inventor or an assignee that has properly made itself of record pursuant to 37 CFR 3.71.*

Change the correspondence address and direct all future correspondence to:

A. ☐ The address of the inventor or assignee associated with Customer Number: _____

OR

B. ☑ Inventor or Assignee name	Lam Research Corporation		
Address 4650 Cushing Parkway			
City Fremont	State CA	Zip 94538	Country US
Telephone		Email	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	V. Randall Gard		
Name	V. Randall Gard	Registration No. 33,886	
Address 2200 Geng Road			
City Palo Alto	State CA	Zip 94303	Country USA
Date	June 27, 2008	Telephone No. 650-812-3400	

*NOTE: **Withdrawal is effective when approved rather than when received.***

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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James G. Coplit, Esq.
Grimes & Battersby, LLP
Third Floor
488 Main Avenue
Norwalk CT 06851

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MAY 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Spar, et al.	:	ON PETITION
Application No.: 11/644,718	:	
Filed: December 22, 2006	:	
Attorney Docket No.: PSR001USU	:	

This is a decision on the petition under 37 CFR 1.47(a), filed April 4, 2007 (certificate of mailing date March 30, 2007).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on December 22, 2006. On January 30, 2007, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, requiring applicants to submit an executed declaration and a surcharge for its late filing. On April 4, 2007 (certificate of mailing date March 30, 2007), petitioner filed the present petition, a copy of the January 30, 2007 Notice, and authorization to charge any fees to a deposit account. The $65.00 surcharge was charged on accounting date April 5, 2007.

A grantable petition under 37 CFR 1.47(a) requires:

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the petition fee of $200, and
(4) the last known address of the omitted inventor(s).

This petition lacks item (1) above.

As to item (1), petitioner has failed to establish that Mr. Spar refused to join in the filing of the above-identified application.

It appears petitioner mistakenly submitted a copy of a petition filed in application no. 11/543,474. The petition references a "Mr. Hymes" and a "Mr. Hymes" is not a named inventor. His relationship to the present application is unclear.

Please submit a petition that shows Mr. Spar refused to join in the filing of application no. 11/644,718.

Pursuant to petitioner's authorization, the required Rule 47 petition fee of $200.00 will be charged to deposit account no. 07-2162.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

James G. Coplit, Esq.
Grimes & Battersby, LLP
Third Floor
488 Main Avenue
Norwalk CT 06851

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OCT 12 2007

OFFICE OF PETITIONS

In re Application of	:	
Spar, et al.	:	ON PETITION
Application No.: 11/644,718	:	
Filed: December 22, 2006	:	
Attorney Docket No.: PSR001USU	:	

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed July 30, 2007 (certificate of mailing date July 23, 2007).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires:

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the petition fee of $200, and
(4) the last known address of the omitted inventor(s).

This petition lacks item (1) above.

As to item (1), petitioner has failed to establish that Mr. Spar refused to join in the filing of the above-identified application.

The petition states that the patent application, along with a Declaration and Power of Attorney document, was submitted to Mr. Spar on November 29, 2006, December 6, 2006, December 14,

2006, January 4, 2007, and January 22, 2007 with the request that such documents be executed and returned for filing the application. The only response provided by Mr. Spar was that he would not be signing these documents. It is noted that the papers were provided in printed and electronic format.

Per MPEP 409.03(d) II:

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. ...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.

The petition states that the documents were sent to Mr. Spar in both printed and electronic format. Has it been established that Mr. Spar received the printed documents? If not, in the case of the documents sent in electronic format, was Mr. Spar able to open the documents? Email is not viewed as reliable as U.S. mail service. The Office must be reassured that Mr. Spar received and could access the documents.

With respect to his refusal to sign the documents: If the refusal was oral, the Office would like to know the time and place of the refusal in a statement of facts. If the refusal was written, the Office would like a copy of the refusal. The Office must be reassured that Mr. Spar's refusal was made after he received the application papers and documents for his signature.

A review of Office financial records indicates that petitioner was charged two petition fees. Only one is necessary. Deposit account no. 07-2162 will be credited $200.00.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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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PALO ALTO, CA 94304

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MAY 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Liang-Yu CHI, et al	:	
Application No. 11/644,734	:	DECISION ON PETITION
Filed: December 22, 2006	:	TO WITHDRAW
Attorney Docket No. 324212012000	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 23, 2010.

The request is **NOT APPROVED because it is moot**.

A review of the file record indicates that the power of attorney to Robert A. Saltzberg and all the attorneys of record associated with Customer No. 76102, has been revoked by the assignee of the patent application on April 19, 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

cc: ROBERT A. SALTZBERG
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

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

K.M. RYLANDER
RYLANDER & ASSOCIATES
406 WEST 12TH STREET
VANCOUVER WA 98660

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JAN 04 2010

In re Application of	:	
Brian ROTH et al.	:	
Application No. 11/644,762	:	DECISION ON PETITION
Filed: December 22, 2006	:	
Attorney Docket No. **ROTB01**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 16, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 02, 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 03, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (3).

As to item (3) the statement of unintentional delay is presently not acceptable since it was not signed by all of the inventors. See 37 CFR 1.33(b) which states:

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
(2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
(3) An assignee as provided for under §3.71(b) of this chapter; or
(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

The 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.

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

cc: **DEBRA ROTH**
61145 LANDRETH LANE
ST. HELENS OR 97051

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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K.M. RYLANDER
RYLANDER & ASSOCIATES
406 WEST 12TH STREET
VANCOUVER WA 98660

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APR 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Brian ROTH et al.	:	
Application No. 11/644,762	:	DECISION ON PETITION
Filed: December 22, 2006	:	
Attorney Docket No. **ROTB01**	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 04, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 02, 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 03, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of February 02, 2009 is accepted as having been 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 Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 3618 for appropriate action on the amendment filed November 16, 2009.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **DEBRA ROTH**
61145 LANDRETH LANE
ST. HELENS OR 97051

US PATENT APPLICATION
Docket No. ROTB.001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	:	Debra Roth
Serial No.:	:	11/644,762
Filed:	:	12/22/2006
For:	:	Recreational Vehicle Step Support
Examiner:	:	Chiedu A. Chibogu
TC/A.U.:	:	3618
Date:	:	March 4, 2010

Mail Stop PETITION
The Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWAL OF PETITION UNDER 37 C.F.R. 1.137(b)

In response to the Decision on Petition mailed January 4, 2010 dismissing Applicant's petition, Applicant herein resubmits the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b) signed by inventor Debra Roth. In error, Applicant failed to communicate when they initially filed the Petition that co-inventor and husband Brian Roth passed away during the summer of 2009. As sole devisee and legal representative of her deceased husband, Applicant asserts that she may properly submit the Petition for Revival of an Application for Patent Abandoned Unintentionally solely in her

own name. Applicant submits that proof of her authority is not required according to M.P.E.P. 409.01(b).

As Applicant has previously submitted the required reply and petition fee, Applicant respectfully requests reconsideration and granting of the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b).

Respectfully submitted,

/Jon C. Reali/

JON C. REALI
USPTO Reg. No. 54,391

RYLANDER & ASSOCIATES PC
406 West 12th Street
Vancouver, Washington 98660
(360) 750-9931

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RAJ ABHYANKER, LLP
C/O INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS, MN 55402

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FEB 2 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Taejoon HAN	:	
Application No. 11/644,768	:	DECISION ON PETITION
Filed: December 21, 2006	:	TO WITHDRAW
Attorney Docket No. 00052.00001US1		FROM RECORD
	:	

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 6, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the attorneys of record were not appointed by customer number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no outstanding Office actions pending at the present time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: TAEJOON HAN
9670 VELVETLEAF CIRCLE
SAN RAMON, CA 94582

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Trellis Intellectual Property Law Group, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

Mail Date: 05/04/2010

Applicant	: Alexander Berestov	: DECISION ON REQUEST FOR
Patent Number	: 7567271	: RECALCULATION of PATENT
Issue Date	: 07/28/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/644,769	: OF WYETH
Filed	: 12/21/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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JUN 19 2008

OFFICE OF PETITIONS

MORRISON & FOERSTER, LLP
755 PAGE MILL ROAD
PALO ALTO, CA 94304

In re Application of	:	
Giovanni Coglitore	:	
Application No. 11/644,770	:	DECISION ON PETITION
Filed: December 21, 2006	:	TO WITHDRAW
Attorney Docket No. 443452001001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 30, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on March 4, 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: BILL GALLIANI
COOLEY GODWARD KRONISH, LLP
FIVE PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO, CA 94306-2155

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MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE CA 94085

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MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Yun et al.	:	
Application No. 11/644,779	:	DECISION GRANTING PETITION
Filed: December 21, 2006	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. LAM2P579	:	

This is a decision on the petition, filed December 31, 2008, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant non-provisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on November 20, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of July 9, 2009, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 1792 for examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/644,779	12/21/2006	Seokmin Yun	LAM2P579

CONFIRMATION NO. 5714

25920
MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

NONPUBLICATION RESCISSION LETTER

OC000000035244494

Date Mailed: 03/30/2009

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 07/09/2009.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/lswalsh/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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United States Patent and Trademark Office
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IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

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JUN 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Hubert E. Sales	:	
Application No. 11/644,784	:	DECISION ON PETITION
Filed: 12/22/2006	:	
Attorney Docket No. GTE-09-1018	:	

This is a decision on the request under 37 CFR 1.48(a) filed February 18, 2010, to correct the inventorship of the present nonprovisional application. This is also a decision on the petition under 37 CFR 1.78(a)(3) filed February 18, 2010, which is being treated as both a petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed benefit claim under 35 U.S.C. 120 to prior-filed nonprovisional applications, as well as a petition under 37 CFR 1.55 for an unintentionally delayed priority claim to a prior foreign application.

The petition under 37 CFR 1.48(a) is **dismissed.**

The petition under 37 CFR 1.78(a)(3) is **dismissed.**

The petition under 37 CFR 1.55 is **dismissed.**

Petition under 37 CFR 1.48(a)

Pursuant to 37 CFR 1.48(a), if the correct inventor(s) are not named in an executed oath or declaration under 37 CFR 1.63 in a nonprovisional application, the application can be amended to name only the actual inventor or inventors so long as the error in the naming of the inventor or inventors occurred without any deceptive intention on the part of the person named as an inventor in error or the person who through error was not named as an inventor.

37 CFR 1.48(a) requires that the amendment be accompanied by:

(1) a request to correct the inventorship that sets forth the desired inventorship change;
(2) a statement from each person being added and from each person being deleted as an inventor that the error occurred without deceptive intention on his or her part;
(3) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47;
(4) the fee set forth in 37 CFR 1.17(i); and
(5) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

The request to correct the inventorship of this nonprovisional application under 37 CFR 1.48(a) is deficient because it lacks item (3) an oath or declaration under 37 CFR 1.63 by each actual inventor. With the present request, applicants submitted a declaration identifying only Peter Asplund, the inventor to be added, and signed by him. Applicants did not provide a declaration listing both Hubert Sales and Peter Asplund as joint inventors, identifying their residences, mailing addresses, and countries of citizenship, and executed by both of them.

Although each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor.

Accordingly, the request under 37 CFR 1.48(a) is dismissed. Applicants must file a renewed petition under 37 CFR 1.48(a) within **two months** from the mailing date of this decision, accompanied by a new declaration in compliance with 37 CFR 1.67(a), which identifies both inventors by name, mailing address, residence, and citizenship. The declaration must be re-executed by both inventors[1] so as to clearly indicate what each inventor believes to be the appropriate inventive entity. No additional fee is required for filing a renewed petition.

Petition under 37 CFR 1.78(a)(3)

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate

[1] If one of the joint inventors, who executed the original declaration, refuses or cannot be found to execute the required supplemental declaration, the requirement for the inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. A $400.00 fee would be required upon filing a petition under 37 CFR 1.183.

only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

> (1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
> (2) the surcharge set forth in § 1.17(t); and
> (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

Applicants submitted the reference required by 35 U.S.C. 120 by filing an amendment to the first sentence of the specification following the title. Nevertheless, the amendment is unacceptable. The Office notes that applicants are seeking to claim the benefit of a **later filed** nonprovisional application. Specifically, the reference included in the amendment to the specification states, in pertinent part: "This application [No. 11/644,784, filed December 22, 2006] is a continuation-in-part of Application Serial No. 11/877,173 filed October 23, 2007 ..."

37 CFR 1.78(a)(3) states, in pertinent part:

> If the reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section is presented after the time period provided by paragraph (a)(2)(ii) of this section, the claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a **prior-filed** copending nonprovisional application or international application designating the United States of America may be accepted if the reference identifying the **prior-filed** application by application number or international application number and international filing date was unintentionally delayed.

(Emphasis added).

The benefit claim under 35 U.S.C. 120 to Application No. 11/877,173, filed October 23, 2007, is improper because the application was filed after the filing date of the subject application, No. 11/644,784, filed December 22, 2006.

Furthermore, due to the dismissal of the request under 37 CFR 1.48(a), there is a lack of common inventorship between the present nonprovisional application and nonprovisional applications, Nos. 11/877,173 and 10/536,002, noted in the amendment submitted concurrently with the petition. The statute requires that the applications claiming benefit under 35 U.S.C. 120 must be filed by an inventor or inventors named in the prior-filed nonprovisional application.

Accordingly, the petition under 37 CFR 1.78(a)(3) is dismissed. Applicants must file a renewed petition under 37 CFR 1.78(a)(3), accompanied by a proper reference to the prior applications in

compliance with 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) in either a Supplemental Application Data Sheet or an amendment to the first sentence of the specification. The Office notes that 37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 CFR 1.27(c)(2)(ii), filed in an application must be signed by an appropriate party. Therefore, an ADS, supplemental ADS, or a substitute amendment submitted after the filing of an application must be signed in accordance with 37 CFR 1.33(b). No additional petition fee is required.

Petition under 37 CFR 1.55

In the declaration submitted on February 18, 2010, applicants claim foreign priority benefits of PCT/SE2004/000922. It is noted that Application No. 10/536,002 is a national stage entry of PCT/SE2004/000922. A national stage application submitted under 35 U.S.C. 371 may not claim benefit of the filing date of the international application of which it is the national stage since its filing date is the international filing date of the international application. See also MPEP 1893.03(b). Stated differently, since the international application is not an earlier application (it has the same filing date as the national stage), a benefit claim under 35 U.S.C. 120 in the national stage to the international application is inappropriate and may result in the submission being treated as an application filed under 35 U.S.C. 111(a). See MPEP 1893.03(a).

As a claim for foreign priority of PCT/SE2004/000922 is inappropriate, the petition under 37 CFR 1.55(c) is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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LOS ALAMOS NATIONAL LABORATORY
PPO. BOX 1663, LC/IP, MS A187
LOS ALAMOS, NM 87545

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NOV 27 2009

OFFICE OF PETITIONS

In re Application of :
Anthony K. BURRELL, et *al.* :
Application No. 11/644,793 : DECISION ON PETITION
Filed: December 22, 2006 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **S-109,149**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 8, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is January 9, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 1796 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Brian W. Brown
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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MAY 24 2010

OFFICE OF PETITIONS

YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

In re Application of	:	
Karon A. WEBER, et al	:	
Application No. 11/644,812	:	DECISION ON PETITION
Filed: December 22, 2006	:	TO WITHDRAW
Attorney Docket No. 324212012400	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 23, 2010.

The request is **NOT APPROVED because it is moot**.

A review of the file record indicates that the power of attorney to Robert A. Saltzberg and all the attorneys of record associated with Customer No. 76102, has been revoked by the assignee of the patent application on April 19, 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

cc: ROBERT A. SALTZBERG
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

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ARIAD PHARMACEUTICALS, INC.
ARIAD GENE THERAPEUTICS, INC.
26 LANDSDOWNE ST.
CAMBRIDGE MA 02139

MAILED

MAY 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Zou et al.	:	
Application No.: 11/644849	:	DECISION ON
Filing or 371(c) Date: 12/22/2006	:	PETITION
Attorney Docket Number: 432B US	:	

This is a decision in response to the "Petition to Withdraw Holding of Abandonment," filed March 4, 2010. The petition is properly treated under 37 C.F.R. 1.181(a).

This Petition is hereby **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 3, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Accordingly, the date of abandonment of this application is November 4, 2009.

Applicant files the present petition and asserts that a timely reply to the Office action, including a request and fee for a three (3) month extension of time, was filed timely filed in accordance with 37 CFR 1.8. In support of this assertion, Applicant files a copy of the reply, and a copy of a return receipt postcard evidencing receipt by this Office of a reply, a Request for Continued Examination ("RCE"), an Amendment and a petition for extension of time on February 12, 2010.

A review of Office records reveals that the Office received the reply on February 12, 2009. A review of the reply reveals that the reply included a Certificate of Mailing or Transmission executed by petitioner herein and dated February 3, 2009.

37 CFR 1.8(b), provides

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing

or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed or decided with prejudice, or the prosecution of a reexamination proceeding is terminated pursuant to § 1.550(d) or § 1.957(b) or limited pursuant to § 1.957(c), or a requester paper is refused consideration pursuant to §a), the correspondence will be considered timely if the party who forwarded such correspondence:

(1)Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2)Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3)Includes a statement that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing, transmission or submission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement. If the correspondence was transmitted via the Office electronic filing system, a copy of an acknowledgment receipt generated by the Office electronic filing system confirming submission may be used to support this statement.

(c) The Office may require additional evidence to determine if the correspondence was timely filed.

Applicant has complied with the requirements of 37 CFR 1.8(b).

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 1624 for processing of the reply, and for continued examination in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

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Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 400
Mclean, VA 22102

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AUG 13 2007

OFFICE OF PETITIONS

In re Application of	:	
Wah Yiu Kwong et al.	:	
Application No. 11/644,992	:	DECISION ON PETITION
Filed: December 26, 2006	:	TO WITHDRAW
Attorney Docket No. 21058/0206533-US0	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 22, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on June 6, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **Darby & Darby P.C.**
P.O. Box 770
Church Street Station
New York, NY 10008-0770

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DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK, NY 10008-0770

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AUG 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Kwong et al.	:	DECISION ON PETITION
Application No. 11/644,992	:	TO WITHDRAW
Filed: December 26, 2006	:	FROM RECORD
Attorney Docket No. 21058/0206533-US0	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 10, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on August 19, 2009 the power of attorney to Darby & Darby P.C. 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: Pillsbury Winthrop Shaw Pittman LLP
P.O. Box 10500
McLean VA 22102

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SLATER & MATSIL, L.L.P.
17950 PRESTON ROAD
SUITE 1000
DALLAS, TX 75252

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JUL 19 2010

OFFICE OF PETITIONS

In re Application of
Edoardo Prete et al.
Application No. 11/644,998
Filed: December 22, 2006
Attorney Docket No. **QM000022**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed June 16, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with the above-identified application has been revoked by the assignee who has intervened in the application on July 1, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: John S. Economou
202 Mamaroneck Ave., Third Floor
White Plains NY 10601

LAW OFFICES OF
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JOHN C. LUCE
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ROBERT S. PIERCE*

OF COUNSEL
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(202) 393-5350
(202) 393-5351
(202) 393-5352

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FIRM EMAIL: jp@jhlp.com

*BAR OTHER THAN DC

IMPORTANT
* * * * * *
FACSIMILE COVER LETTER
* * * * * * * * * * * * * * * *

From: Suzin C. Bailey Date: April 17, 2009

To: Examiner OHara U.S. PAT. & TM. OFFICE
Name Company

571-270-6224 Group: 3644
Facsimile Telephone Number

Serial No.: 11/645,029

TOTAL NUMBER OF PAGES, INCLUDING COVER LETTER: 2

IF YOU DO NOT RECEIVE ALL OF THESE PAGES, OR TO DISCUSS THIS PROPOSED AMENDMENT, PLEASE:

Telephone Suzin Bailey at (202) 638-6666

PLEASE DELIVER TO Examiner Brian OHara AS SOON AS POSSIBLE

In accordance with our telephone conversations earlier this week, attached is an Applicant Initiated Interview Request Form summarizing the arguments we plan to present during the personal interview scheduled for next Thursday, April 23, 2009, at 2:00 p.m. in connection with U.S. Serial No. 11/645,029.

Respectfully,

Suzin C. Bailey
Reg. No. 40,495

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PTOL-413A (03-09)
Approved for use through 04/30/2009. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 11/645,029 First Named Applicant: Dunker

Examiner: Brian O'Hara Art Unit: 3644 Status of Application: non-final

Tentative Participants:

(1) Ex. O'Hara (2) Suzin Bailey (attorney)

(3) JC Berland (applicant) (4)

Proposed Date of Interview: April 23, 2009 **Proposed Time:** 2:00 AM/PM

Type of Interview Requested:

(1) ☐ Telephonic (2) ☒ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☒ YES ☐ NO

If yes, provide brief description: Deployment brake release system for ~~parachute~~ parachute

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) Rejection	1, 12	Strong (7,059,570)	☐	☐	☐
(2)		Matsuo (3,773,284)	☐	☐	☐
(3)			☐	☐	☐
(4)			☐	☐	☐

☐ Continuation Sheet Attached

Brief Description of Argument to be Presented:

Neither Strong nor Matsuo disclose a hook mount or downwardly directed projection configured to secure a deployment brake release line prior to ~~&~~ during deployment to transfer canopy load forces to such hook mount or projection nor the release of this line by a downward pull when steady state flight is reached.

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

Examiner/SPE Signature

Typed/Printed Name of Applicant or Representative

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 3.

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: Storm Dunker	: DECISION ON REQUEST FOR
Patent Number	: 7648105	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/645,029	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/26/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Mail Date: 04/21/2010

Applicant	: Baorui Yang	: DECISION ON REQUEST FOR
Patent Number	: 7569314	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/645,066	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/26/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **290** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

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JUL 2 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Bao et al.	:	
Application No. 11/645,092	:	LETTER REGARDING
Filed: December 22, 2006	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 3025.21US01	:	

This letter is in response to the "Patent Term Adjustment Letter of Candor and Good Faith" filed May 11, 2009. Pursuant to applicants' duty of good faith and candor to the Office, applicants request the determination of patent term adjustment under 35 U.S.C. 154(b) be reviewed for accuracy.

The request for review of the patent term adjustment is **GRANTED.**

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is 0 days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On February 10, 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 the patent term adjustment to date is 87 days.

Applicants disclose they believe the patent term adjustment on the Determination of Patent Term Adjustment failed to take into account Applicant Delay in filing a response to a Notice to File Missing Parts mailed January 29, 2007. A response was not filed until July 30, 2007.

A review of the application history reveals that applicants are correct.

37 CFR 1.704(b) provides for a reduction when a petitioner takes more than 3 months to respond to any notice or action by the Office making any rejection, objection, argument or other request. Specifically, 37 CFR 1.704(b) states,

> [A]n applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such

> three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

In this case, the reply to the Notice to File Missing Parts was filed more than three months after the Notice was mailed. Therefore, pursuant to 37 CFR 1.704(b), a reduction in patent term adjustment should have been entered.

The period of adjustment should have been reduced by 92 days pursuant to 37 CFR 1.704(b) which is the number of days beginning on the day after the date that was three months after the date the Notice to File Missing Parts was mailed, May 30, 2007, and ending on the date the reply was filed, July 30, 2009.

The period of reduction of 92 days will be entered by Office.

The correct patent term adjustment at the time of mailing of the Notice of Allowance is 0 days in view of the total Office delay of 87 days and the total Applicant Delay of 92 days.

As this letter was submitted as an advisement to the Office of an error in applicants' favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e).

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen

Day : Monday
Date: 7/27/2009

PALM INTRANET

Time: 10:54:39

PTA Calculations for Application: 11/645092			
Application Filing Date:	12/22/2006	PTO Delay (PTO):	87
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-92		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
69	07/27/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		92	
62	02/10/2009	MAIL NOTICE OF ALLOWANCE			
61	02/06/2009	ISSUE REVISION COMPLETED			
60	02/06/2009	DOCUMENT VERIFICATION			
59	02/06/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
58	02/02/2009	NOTICE OF ALLOWABILITY			
56	01/05/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
55	01/27/2009	DATE FORWARDED TO EXAMINER			
54	01/05/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			
53	01/27/2009	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
52	01/05/2009	REFERENCE CAPTURE ON IDS			
51	01/05/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
50	01/05/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
49	01/05/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
48	11/26/2008	FINISHED INITIAL DATA CAPTURE			
47	11/24/2008	MAIL EXAMINER'S AMENDMENT			
46	11/21/2008	EXAMINER'S AMENDMENT COMMUNICATION			
45	10/10/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
44	10/10/2008	REFERENCE CAPTURE ON IDS			
43	10/10/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

42	10/22/2008	WORKFLOW - QUERY REQUEST - FINISH			
41	10/21/2008	TC RETURN TO PUBS			
40	10/10/2008	EXPORT TO INITIAL DATA CAPTURE			
39	10/14/2008	WORKFLOW - QUERY REQUEST - BEGIN			
38	10/10/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
37	10/07/2008	MAIL EXAMINER'S AMENDMENT			
36	10/07/2008	MAIL NOTICE OF ALLOWANCE			
35	10/05/2008	ISSUE REVISION COMPLETED			
34	10/05/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
33	10/05/2008	DOCUMENT VERIFICATION			
32	10/01/2008	EXAMINER'S AMENDMENT COMMUNICATION			
31	10/01/2008	NOTICE OF ALLOWABILITY			
30	05/12/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
26	08/13/2008	CASE DOCKETED TO EXAMINER IN GAU			
25	07/29/2008	DATE FORWARDED TO EXAMINER			
24	06/19/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
23	05/12/2008	REFERENCE CAPTURE ON IDS			
22	05/12/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	06/26/2008	PG-PUB ISSUE NOTIFICATION			
20	05/19/2008	MAIL RESTRICTION REQUIREMENT	87		-1
19	05/19/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
18	05/12/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	05/16/2008	TRANSFER INQUIRY TO GAU			
16	05/14/2008	TRANSFER INQUIRY TO GAU			
15	05/13/2008	TRANSFER INQUIRY TO GAU			
14	04/24/2008	TRANSFER INQUIRY TO GAU			
13	03/09/2008	CASE DOCKETED TO EXAMINER IN GAU			
12	03/06/2008	CASE DOCKETED TO EXAMINER IN GAU			
11	03/06/2008	TRANSFER INQUIRY TO GAU			
10	01/17/2008	TRANSFER INQUIRY TO GAU			
9	12/16/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
8	11/15/2007	APPLICATION DISPATCHED FROM OIPE			
7	10/19/2007	SENT TO CLASSIFICATION CONTRACTOR			

6	10/19/2007	FILING RECEIPT - UPDATED			
5	07/30/2007	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
4	01/29/2007	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	01/14/2007	CLEARED BY OIPE CSR			
2	01/05/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/22/2006	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

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AT&T Legal Department - Roebuck
Attn: Patent Docketing
One AT&T Way,
Room 2A-207
Bedminster NJ 07921

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MAY 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Walter et al.	:	
Application No. 11/645101	:	ON PETITION
Filing Date: 12/22/2006	:	
Attorney Docket Number:	:	
2006-876 (ATT 2033)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 9, 2010, and supplemented April 5, 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 3, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Accordingly, the date of abandonment of this application is November 4, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), fee and the submission required by 37 CFR 1.114; (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) 272-3232.

This application is being referred to Technology Center AU 2427 for processing of the RCE and for appropriate action on the amendment by the Examiner in the normal course of business.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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1130 CONNECTICUT AVENUE, N.W., SUITE 1130
WASHINGTON DC 20036

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DEC 0 5 2007

OFFICE OF PETITIONS

In re Application of	:	
Gupta et al.	:	
Application No. 11/645112	:	
Filing or 371(c) Date: 12/26/2006	:	
Attorney Docket Number:	:	
041144.011	:	ON PETITION

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed October 18, 2007.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed March 5, 2007. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). Applicant filed responses to the Notice on July 5, and September 19, 2007 respectively; however, the responses were incomplete. Applicant was so notified in Notices of Incomplete Reply, mailed July 23, and October 25, 2007 respectively. No complete and proper response having been received, the application became abandoned May 6, 2007. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

Applicant files the present petition and a substitute specification with markings, and a clean version of the specification without markings. In response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing for processing of the reply to the Notice in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/645,126	12/22/2006	3683	1130	OCB-245-A	9	1

CONFIRMATION NO. 3375

UPDATED FILING RECEIPT

OC000000022786944

21828
CARRIER BLACKMAN AND ASSOCIATES
24101 NOVI ROAD
SUITE 100
NOVI, MI 48375

Date Mailed: 03/07/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Kunimichi Hatano, Saitama, JAPAN;

Assignment For Published Patent Application

Honda Motor Co., Ltd., Tokyo, JAPAN

Power of Attorney:

Joseph Carrier--31748
William Blackman--32397

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2006-32041 02/09/2006

If Required, Foreign Filing License Granted: 01/26/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/645,126

Projected Publication Date: 08/09/2007

Non-Publication Request: No

Early Publication Request: No

Title

Brake system

Preliminary Class

303

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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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.

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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DANIEL H. GOLUB
1701 MARKET STREET
PHILADELPHIA, PA 19103

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JAN 0 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Nelson et al.	:	
Application No. 11/645,132	:	DECISION ON PETITION
Filed: December 22, 2006	:	
Attorney Docket No. 056751-5031	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 23, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Oath/Declaration and the requisite fees as discussed in the Notice, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Initial Patent Examination for further processing.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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November 4, 2008

Dean L. Fanelli, Ph.D.
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave. NW
Washington, DC 2004

Patent No.: 7,414,885 B2
Application No.: 11/645,159
Inventor(s): Richard M. Lienau
Issued: August 19, 2008
Title: **METHOD AND APPARATUS FOR READING DATA FROM A FERROMAGNETIC MEMORY CELL**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-0025 ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificate of Correction Branch
(703) 305-8309 or (703) **308-9390 ext 113**

vt

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OFFICE OF PETITIONS

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

In re Patent No. **7,414,885**	:	
Issue Date: August 19, 2008	:	
Application No. 11/645,159	:	DECISION ON PETITION
Filed: December 26, 2006	:	UNDER 37 CFR 3.81(b)
Attorney Docket No. **063101-5013-02**	:	

This is a decision on the petition filed January 26, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to Monica A. Graves at (571) 272-7253. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Brian W. Brown
Petitions Examiner
Office of Petitions

---

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

PTO/SB/17 (10-08)
Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2009

☑ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 130.00

Complete if Known	
Application Number	11/645,159
Filing Date	December 26, 2006
First Named Inventor	Richard M. LIENAU
Examiner Name	Anh K. Phung
Art Unit	2824
Attorney Docket No.	063101-5013-02

FAX RECEIVED JAN 26 2009 OFFICE OF PETITIONS

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 50-0310 Deposit Account Name: Morgan Lewis & Bockius

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☑ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☑ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☑ Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES Fee ($)	FILING FEES Small Entity Fee ($)	SEARCH FEES Fee ($)	SEARCH FEES Small Entity Fee ($)	EXAMINATION FEES Fee ($)	EXAMINATION FEES Small Entity Fee ($)	Fees Paid ($)
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	52	26
Each independent claim over 3 (including Reissues)	220	110
Multiple dependent claims	390	195

Total Claims _____ - 20 or HP = _____ x _____ = _____ Fee Paid ($)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims _____ - 3 or HP = _____ x _____ = _____ Fee Paid ($)

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims Fee ($) _____ Fee Paid ($) _____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $270 ($135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets _____ - 100 = _____ Extra Sheets / 50 = _____ Number of each additional 50 or fraction thereof (round up to a whole number) x _____ Fee ($) = _____ Fee Paid ($)

4. OTHER FEE(S) Fees Paid ($)

Non-English Specification, $130 fee (no small entity discount) _____

Other (e.g., late filing surcharge): Processing Fee under 37 CFR 1.17(h) $130.00

SUBMITTED BY			
Signature	D. L. Fanelli	Registration No. (Attorney/Agent) 48,907	Telephone 202.739.3000
Name (Print/Type)	Dean L. Fanelli		Date January 26, 2009

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/645,163	12/26/2006	Tomoki Kubota	KUBO3029/GAL	7521

7590 11/10/2009

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

EXAMINER
BELLA, MATTHEW C

ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
11/10/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 11/10/2009 NFARMER 0310071633
DAV:CL0200 Name/Number:11645163
FC: 9204 $523.20 CR

Adjustment date: 11/10/2009 NFARMER
12/28/2006 DEMMANU1 00000088 11645163
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

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OFFICE OF PETITIONS

In re Application of

Chan-Yi Li

Application No. 11/645,166

Filed: December 26, 2006

Attorney Docket No. BHT-3230.560

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed April 18, 2008.

The petition is **granted**.

This application was held abandoned on November 25, 2007, after no reply was received to the non-final Office action mailed August 24, 2007. The notice set forth a shortened statutory period for reply of three-months from its mailing date. The instant petition was filed on April 18, 2008. Petitioner maintains that the non-final Office action was never received and provides a copy of the relevant docketing calendar as proof of the same.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded Technology Center 2800, GAU 2839 for further processing including resetting of the period for reply to the non-final Office action.

Questions 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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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/645,176	12/26/2006	Kazuya Sudo	102281.58214US	7515

7590 07/03/2008
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
TSO, EDWARD H

ART UNIT	PAPER NUMBER
2838	

MAIL DATE	DELIVERY MODE
07/03/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
07/09/2008 0030058129

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1007

Adjustment date: 07/09/2008 NFARMER
12/28/2006 DEMMANU1 00000101 11645176
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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APR 20 2007

OFFICE OF PETITIONS

EDWARD E. ROBERTS
P.O. BOX 3206
DANA POINT CA 92629

In re Application of	:	
DUC DOAN	:	
Application No. 11/645,179	:	DECISION ON PETITION
Filed: December 26, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **06DD-02**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 26, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The evidence submitted with the instant petition is a copy of Duc Doan drivers license indicating that she is at least 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3641 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Sadler, Breen, Morasch & Colby, ps
422 W. Riverside Ave, Suite 424
Spokane, WA 99201

Mail Date: 04/27/2010

Applicant	: John P. Patoskie	: DECISION ON REQUEST FOR
Patent Number	: 7660780	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/645,190	: 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 **296** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Sadler, Breen, Morasch & Colby, ps
422 W. Riverside Ave, Suite 424
Spokane, WA 99201

Mail Date: 04/27/2010

Applicant	: Robert R. Hauser	: DECISION ON REQUEST FOR
Patent Number	: 7660777	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/645,193	: 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 **353** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

Mail Date: 04/21/2010

Applicant	: Annel Kay Greene	: DECISION ON REQUEST FOR
Patent Number	: 7651615	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/645,213	: 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 **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4-28-10

TO SPE OF : ART UNIT 2159

SUBJECT : Request for Certificate of Correction for Appl. No.: 11645216 Patent No.: 7593938

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 – 9D10-E
Palm Location 7580

Omega Lewis
Certificates of Correction Branch

703-756-1575

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: _____

_____

_____

_____

_____

James K. Trujillo — **SPE**

2159 — **Art Unit**

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OFFICE OF PETITIONS

Scott Boalick
USPTO
600 Dulany Street
Alexandria, VA 22313

In re Application of
Nicholas V. Nechitailo
Application No. 11/645,262
Filed: November 30, 2006
Attorney Docket No. Navy Case 96229

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 2, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Scott Boalick. Scott Boalick has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **NAVAL SURFACE WARFARE CENTER DAHLGREN DIVISION**
OFFICE OF COUNSEL, CODE XDC1
17632 DAHLGREN ROAD
SUITE 121
DAHLGREN VA 22448-5110

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NASA AMES RESEARCH CENTER
ATTN: PATENT COUNSEL
MAIL STOP 202A-4
MOFFETT FIELD, CA 94035-1000

Mail Date: 04/20/2010

Applicant	: Jun Li	: DECISION ON REQUEST FOR
Patent Number	: 7635420	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/645,267	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/21/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **529** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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NASA AMES RESEARCH CENTER
ATTN: PATENT COUNSEL
MAIL STOP 202A-4
MOFFETT FIELD, CA 94035-1000

Mail Date: 05/17/2010

Applicant : Jun Li
Patent Number : 7635420
Issue Date : 12/22/2009
Application No : 11/645,267
Filed : 11/21/2006

: 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 **563** 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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LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
BOSTON MA 02109-2127

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OFFICE OF PETITIONS

In re Application of:	:	
Salfeld et al.	:	DECISION GRANTING
Application No. 11/645287	:	PETITION UNDER
Filing or 371(c) Date: 12/22/2006	:	37 CFR 1.47(a)
Attorney Docket Number:	:	
BBI-093CP2	:	

This Decision is in response to the "Petition Pursuant to 37 C.F.R. § 1.47(a)," filed August 16, 2007, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). See, MPEP 409.03.

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 inventors, Michael Pasking, Amy Venturini and Stuart Friedrich, refuse to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Office of Patent Application Processing for continued processing in due course.

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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United States Patent and Trademark Office
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MR. MICHAEL PASKIND
253 REDEMPTION ROCK TRAIL
STERLING, MA 01564

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OCT 15 2007

OFFICE OF PETITIONS

In re Application of:	:	
Salfeld et al.	:	LETTER
Application No. 11/645287	:	
Filing or 371(c) Date: 12/22/2006	:	
Attorney Docket Number:	:	
BBI-093CP2	:	

Dear Mr. Paskind:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney
Office of Petitions

CC: LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
BOSTON MA 02109-2127

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MS. AMY VENTURINI
207 WOBURN STREET
LEXINTON, MA 02420

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OCT 15 2007

OFFICE OF PETITIONS

In re Application of:	:	
Salfeld et al.	:	LETTER
Application No. 11/645287	:	
Filing or 371(c) Date: 12/22/2006	:	
Attorney Docket Number:	:	
BBI-093CP2	:	

Dear Ms. Venturini:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney
Office of Petitions

CC: LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
BOSTON MA 02109-2127

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MR. STUART FRIEDRICH
11 CROCKET LANE
CARY NC 27511

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OCT 15 2007

OFFICE OF PETITIONS

In re Application of:	:	
Salfeld et al.	:	LETTER
Application No. 11/645287	:	
Filing or 371(c) Date: 12/22/2006	:	
Attorney Docket Number:	:	
BBI-093CP2	:	

Dear Mr. Friedrich:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney
Office of Petitions

CC: LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
BOSTON MA 02109-2127

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FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109-2127

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OFFICE OF PETITIONS

In re Application of	:
Jochen G. Salfeld, et al.	:
Application No. 11/645,287	: DECISION ON PETITION
Filed: December 22, 2006	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. BBI-093CP2	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed May 27, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web[2]

[2] 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) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: MARIA LACCOTRIPE ZACHARAKIS, PH.D., J.D.
MCCARTER & ENGLISH, LLP
265 FRANKLIN STREET
BOSTON, MA 02110

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FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109-2127

In re Application of	:
Jochen G. Salfeld, et al.	:
Application No. 11/645,287	: DECISION ON PETITION
Filed: December 22, 2006	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. BBI-093CP2	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed August 6, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

> **(1)** the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) and (iii) of the prior-filed application(s), unless previously submitted;[1]
> **(2)** the surcharge set forth in § 1.17(t); and
> **(3)** a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

[1] Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (*see* § 1.14).

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application(s) under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application(s). In order for this application to be entitled to the benefit of the prior-filed application(s), all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application(s) should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application(s) noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1654 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

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
11/645,287	12/22/2006	1647	5290	BBI-093CP2	20	3

CONFIRMATION NO. 7219

CORRECTED FILING RECEIPT

48410
LAHIVE & COCKFIELD, LLP/ABBOTT
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109-2127

OC000000037645603

Date Mailed: 09/03/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Jochen G. Salfeld, North Grafton, MA;
Michael Roguska, Ashland, MA;
Michael Paskind, Sterling, MA;
Subhashis Banerjee, Hamden, CT;
Daniel Edward Tracey, Harvard, MA;
Michael White, Framingham, MA;
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Paul Sakorafas, Newton Highlands, MA;
Geertruida M. Veldman, Sudbury, MA;
Amy Venturini, Lexington, MA;
Angela Widom, Acton, MA;
Stuart Friedrich, Cary, NC;
Nicholas W. Warne, Andover, MA;
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John Gawain Elvin, Meldreth, UNITED KINGDOM;
Alexander Robert Duncan, Carton, UNITED KINGDOM;
Elaine Joy Derbyshire, Crowthorne, UNITED KINGDOM;
Sara Carmen, Cambridge, UNITED KINGDOM;
Stephen Smith, Ely, UNITED KINGDOM;
Thor Las Holtet, Ronde, DENMARK;
Sarah Leila Du Fou, Hitchen, UNITED KINGDOM;

Assignment For Published Patent Application

Abbott GMBH & Co., KG, Wiesbaden, GERMANY

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/884,830 07/01/2004 PAT 7,504,485
which is a DIV of 09/534,717 03/24/2000 PAT 6,914,128
which claims benefit of 60/126,603 03/25/1999

Foreign Applications

If Required, Foreign Filing License Granted: 10/04/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/645,287**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Human antibodies that bind human IL-12 and methods for producing

Preliminary Class

530

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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Sadler, Breen, Morasch & Colby, ps
422 W. Riverside Ave, Suite 424
Spokane, WA 99201

Mail Date: 04/27/2010

Applicant	: Robert R. Hauser	: DECISION ON REQUEST FOR
Patent Number	: 7664721	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/645,291	: 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 **334** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

MAY 07 2010

OFFICE OF PETITIONS

Paul W. Eschenbach
290 South Tyger Lane
Roebuck SC 29376

In re Application of	:	
Paul William Eschenbach	:	DECISION ON PETITION UNDER
Application No. 11/645,315	:	37 CFR 1.137(a)
Filed: December 26, 2006	:	
Attorney Docket No.		

This is a decision on the petition under 37 CFR 1.137(a) to revive the above-identified application filed March 19, 2010.

The petition under 37 CFR 1.137(a) is **DISMISSED without consideration of the merits.**

The petition filed March 19, 2010, was filed as a petition under 37 CFR 1.137(a), for unavoidable delay in filing the corrected drawings in response to the Notice of Allowability mailed November 6, 2009. It is noted, however, that petitioner paid an $810.00 petition fee and made no effort to describe the unavoidable situation that prevented petitioner from timely filing the corrected drawings. A petition under 37 CFR 1.137(a) requires petitioner to pay a $270.00 fee and meet the exacting legal standard of establishing through statements and evidence that the entire delay—from the due date for reply until the filing of a grantable petition—was unavoidable. Alternatively, a petition under 37 CFR 1.137(b) for unintentional delay requires that petitioner pay a $810.00 fee and establish, usually by a simple statement, that the entire delay—from the due date for reply until the filing of a grantable petition—was unintentional. It is believed that petitioner intended to file a petition under 37 CFR 1.137(b) and used the wrong form.

Accordingly, petitioner should complete the enclosed form, which is the form for a petition under 37 CFR 1.137(b) for unintentional delay and return it to the Office. Petitioner need not pay another petition fee or filing the corrected drawings, which were received on March 19, 2010.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: PTO/SB/64

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

MAILED

JUL 16 2010

OFFICE OF PETITIONS

Paul W. Eschenbach
290 South Tyger Lane
Roebuck SC 29376

In re Application of	:	
Paul William Eschenbach	:	ON PETITION
Application No. 11/645,315	:	
Filed: December 26, 2006	:	
Attorney Docket No.		

This is a decision on the petition under 37 CFR 1.137(b) filed May 27, 2010.

The petition is GRANTED.

This application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed November 6, 2009. The notice set a statutory period for reply of three-months from its mailing date. A response was not received within the allowable period and the application became abandoned on February 7, 2010. A Notice of Abandonment was mailed on March 2, 2010.

The corrected drawings were received on March 19, 2010.

The application file is being directed to the Office of Data Management for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

MAY 19 2010

OFFICE OF PETITIONS

BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO IL 60610

In re Patent No. 7,601,147	:	
Issue Date: October 13, 2009	:	
Application No. 11/645,324	:	DECISION ON PETITION
Filed: December 22, 2006	:	
Attorney Docket No. 10000/811	:	

This is a decision on the Petition To Correct Assignee Under 37 C.F.R. § 3.81(b), filed March 18, 2010, to change name of the assignee on PTOL-85B. A completed Certificate of Correction Form (PTO/SB/44) was submitted with the petition.

The petition for a waiver of 37 CFR 3.81 is **GRANTED**.

Petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of a Certificate of Correction, to change the name of the assignee submitted on the PTOL-85B identified thereon from:

"Winston-Cook Medical Inc."

to:

--Wilson-Cook Medical Inc.--

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The requisite the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), was submitted with the Petition. However, $100.00 fee (Fee Code 1811) as set forth under 37 CFR 1.20(a), was accompanied deposit account authorization to charge any required fees. As such, the fee has been charged as authorized. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form PTO/SB/44 that accompanied the present Petition.

Inquiries related this communication should be directed to Cheryl Gibson-Baylor at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,601,147.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

David J. Bolam
212 North Ridge Drive
Orange Park FL 32003

COPY MAILED

FEB 02 2009

OFFICE OF PETITIONS

In re Application of	:	
David John Bolam	:	
Application No. 11/645,337	:	DECISION ON PETITION
Filed: December 26, 2006	:	
Attorney Docket No. BOLAM1	:	

This is a decision on the petition filed in the above-identified application.

The petition is **DISMISSED**

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $1620. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.

Although petitioner has indicated that the PTO Form 2038 (Credit Card Charge) was filed with the instant petition, however, there is no indication of the form being received. Therefore, the petition in the above-identified application was not accompanied by payment of the required fee. No consideration on the merits can be given to the petition until the required fee is received.

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 JoAnne Burke at (571) 272-4584.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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David J. Bolam
212 North Ridge Drive
Orange Park FL 32003

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
David John Bolam	:	
Application No. 11/645,337	:	DECISION ON PETITION
Filed: December 26, 2006	:	
Attorney Docket No. BOLAMI	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 6, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant – Amendment mailed, June 12, 2008, which set a shortened statutory period for reply of one (1) month. The application became abandoned on July 11, 2008 , by operation of law.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct

that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 1797 for appropriate action by the Examiner in the normal course of business on the reply received.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: Joseph P. Kincart
8153 Middle Fork Way
Jacksonville, FL 32256

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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WEI TE CHUNG
FOXCONN INTERNATIONAL, INC.
1650 MEMOREX DRIVE
SANTA CLARA, CA 95050

Mail Date: 04/21/2010

Applicant	: Wan-Chin Lai	: DECISION ON REQUEST FOR
Patent Number	: 7664979	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/645,399	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/26/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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WILMERHALE/NEW YORK
399 PARK AVENUE
NEW YORK NY 10022

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MAR 1 3 2009

OFFICE OF PETITIONS

In re Application of
WHITEHURST, Philip H. et al.
Application No. 11/645,404
Filed: December 26, 2006
Attorney Docket No. **2000128.00121US1**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 06, 2009.

The request is **not approved.**

A review of the file record indicates that the power of attorney to WILMERHALE/NEW YORK has been revoked by the applicant of the patent application on February 06, 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: **HASSAN ARMAND**
15 GRANGE RISE
CODICOTE
HITCHIN HERTS SG4 8YR
UNITED KINGDOM

UNITED STATES PATENT AND TRADEMARK OFFICE

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Jayant Jatkar
1335 Hunter Circle
Naperville, IL 60540

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APR 01 2010

OFFICE OF PETITIONS

In re Application of Jayant Jatkar Application No. 11/645,437 Filed: December 26, 2006 Attorney Docket No. N/A	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 19, 2010, to revive the above-identified application.

The application became abandoned for failure to file a reply to the non-final Office action mailed on July 25, 2008. A Notice of Abandonment was mailed February 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 an amendment; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3744 for review of the amendment filed with the present petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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G. Alan Witte
Law Offices of G. Alan Witte
Suite 238
5868 Westheimer
Houston TX 77057

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JUN 1 9 2008

OFFICE OF PETITIONS

In re Application of	:	
Kent E. Newsham	:	DECISION REFUSING STATUS
Application No. 11/645,460	:	UNDER 37 CFR 1.47(a) & 1.48(a)
Filed: December 26, 2006	:	
Attorney Docket No. OMN.PA.001 DIV	:	

This is a decision on the petition to correct an alleged patent office mistake under 37 CFR 1.322 filed September 24, 2007, which is being properly treated as (1) a request under 37 CFR 1.48(a) to amend the inventive entity by the addition of Patrick M. Lasswell, and (2) a petition under 37 CFR 1.47(a) to accept this application notwithstanding the absence of the signature of the newly added inventor, Patrick M. Lasswell. Note that a petition under 37 CFR 1.322 applies to correction of a patent and, since a patent has not issued yet for the instant application, a petition under 37 CFR 1.322 is not appropriate.

The petitions under 37 CFR 1.48(a) and 37 CFR 1.47(a) are **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR §§1.47(a) and 1.48(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration and a statement of lack of deceptive intent executed by the currently non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

The name of Mr. Lasswell appears on numerous documents filed by Applicant, as noted in the petition, and was presented in the Declaration of parent application 10/956,809. However, the name and signature of Patrick M. Lasswell does not appear on the Declaration of this divisional application filed December 26, 2006. The Declaration for the present application lists only the signed name of Kent E. Newsham as an inventor. Without the proper signed naming of Patrick M. Lasswell on the Declaration of the instant divisional application, Mr. Lasswell is not recognized as an inventor in this application. Note the Filing Receipt mailed January 29, 2007, which lists only Kent E. Newsham as an applicant. The omission of Mr. Lasswell on the Declaration was not an error of the patent office and could be corrected through the filing of a properly signed oath or declaration that reflects the correct inventorship of this divisional application.

If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention on the part of the person named as an

inventor in error or on the part of the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors.

In those instances wherein a request under 37 CFR 1.48(a) and a petition under 37 CFR 1.47 have both been filed in an application, the Office of Petitions may first issue a decision on the request under 37 CFR 1.48(a) so as to determine the appropriate oath or declaration under 37 CFR 1.63 required for the petition under 37 CFR 1.47. Every existing assignee of the original named inventors must give its consent to the requested correction. Where there is more than one assignee giving its consent, the extent of that interest (percentage) should be shown. Where no assignment has been executed by the inventors, or if deletion of a refusing inventor is requested, waiver will not be granted absent unequivocal support for the correction sought. Petitions under 37 CFR 1.47 are not applicable to the requirement for signatures from each originally named inventor on the supplemental oath or declaration.

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

(1) A request to correct the inventorship that sets forth the desired inventorship change;

(2) A statement from 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;

(3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;

(4) The processing fee set forth in § 1.17(i); and

(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b).

The request under 37 CFR 1.48(a) lacks compliance with items 2, 3, and 4.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee set forth in § 1.17(g); and (4) a statement of the last known address of the non-signing inventor. The petition lacks items 1, 2, 3, and 4 set forth above.

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 Window, Mail Stop PETITIONS
401 Dulany Street

Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

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

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.
11/645,460	12/26/2006	Kent E. Newsham	OMN.PA.001 DIV	5755

7590 07/01/2008

G. Alan Witte
Law Offices of G. Alan Witte
Suite 238
5868 Westheimer
Houston, TX 77057

EXAMINER
FITZGERALD, JOHN P

ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
07/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of NEWSHAM, KENT E.
Appl. No.: 11/645,460
Filed: December 26, 2006
For: ELECTRONIC HUMIDITY CHAMBER FOR VAPOR DESORPTION TO DETERMINE HIGH CAPILLARY

Decision on Petition
37 CFR 1.48(a)

This decision is in response to the communication filed September 24, 2007, requesting "CORRECTION OF PATENT OFFICE MISTAKE UNDER 37 CRF 1.322". The request seeks to amend the application to identify Patrick M. Lasswell as the first named inventor. The communication is hereby treated as a petition to Correct Inventorship pursuant to 37 CFR 1.48(a).

The petition is dismissed.

The declaration filed with the application on December 26, 2006 list Kent Newsham as the first named inventor and the sole inventor. Hence, there is no mistake incurred through the fault of the patent Office requiring the issuance of a certificate of correction.

Petitioner may wish to diligently file a renewed petition in accordance with CFR 1.48(a).

SUMMARY: The petition is dismissed.

Hezron E. Williams, SPE
Patent Examining Technology Center 2800

G. Alan Witte
Law Offices of G. Alan Witte
Suite 238
5868 Westheimer
Houston, TX 77057

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

CHRISTOPHER P. RICCI
1700 S. PATTERSON BLVD.
DAYTON, OH 45479-0001

Mail Date: 05/20/2010

Applicant	: Joseph D. Roth	: DECISION ON REQUEST FOR
Patent Number	: 7625500	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/645,463	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/26/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **225** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

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DEC 15 2008

In re Application of	:	
Choi et al.	:	
Application No. 11/645,498	:	ON PETITION
Filed: December 27, 2006	:	
Attorney Docket No. 126162-06133338-30	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 14, 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.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1).

It is noted that an amendment was included with the petition filed on November 14, 2008. However, the amendment is considered non-responsive since the amendment does not place the application in condition for allowance. See the attached Advisory Action. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). *See* MPEP 711.03(c)(II)(A)(2).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555 extension of time fee submitted with the petition on November 14, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card account.

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 Alicia Kelley at (571) 272-6059.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosure: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/645,498	Applicant(s) CHOI ET AL.	
	Examiner ROBERT KARACSONY	Art Unit 2821	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

Continuation of 13. Other: The Amendment after final, submitted on November 14, 2008, does not place the Application in condition for Allowance..

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1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

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FEB 0 5 2009

OFFICE OF PETITIONS

In re Application of :
Choi et al. :
Application No. 11/645,498 : ON PETITION
Filed: December 27, 2006 :
Attorney Docket No. 123037-06133338-30 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 21, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 18, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the date of abandonment of this application is June 19, 2008. A Notice of Abandonment was mailed October 8, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application, (2) the petition fee of $810, and (3) an adequate statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application number 12/232,492.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WESTERMAN HATTORI DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

COPY MAILED
MAR 08 2010

In re Application of :
Toshihiko Arai et al :
Application No. 11/645,510 : ON PETITION
Filed: December 27, 2006 :
Attorney Docket No. 063449

This is a decision on the petition, filed March 5, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 20, 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 2629 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

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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 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).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Toshihiko ARAI et al.** Art Unit: **2629**

Application Number: **11/645,510** Examiner: **Nitin Patel**

Filed: **December 27, 2006** Confirmation No.: **7413**

For: **KEY ASSIGNABLE PORTABLE TERMINAL DEVICE**

Attorney Docket Number: **063449**
Customer Number: **38834**

PETITION FOR WITHDRAWAL FROM ISSUE UNDER 37 C.F.R. §1.313(c)(2)

OFFICE OF PETITIONS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

March 5, 2010

Sir:

Applicants respectfully request that the present application be withdrawn from issue for consideration of a Request for Continued Examination and the attached Information Disclosure Statement.

A Request for Continued Examination and an Information Disclosure Statement are submitted concurrently herewith.

If this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees that may be required to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

/STEPHEN G. ADRIAN/
Stephen G. Adrian
Attorney for Applicants
Registration No. 32,878
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

03/09/2010 LDIEP1 00000001 502866 11645510
01 FC:1464 130.00 DA

SGA/arf

Attachments: Request for Continued Examination (RCE)
Information Disclosure Statement (PTO/SB/08)
Japanese Office Action and 3 References

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/645,532	12/27/2006	Duck-Joong Kim	09415.0014	7374

7590 04/30/2009
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
ULLAH, ELIAS

ART UNIT	PAPER NUMBER
2892	

MAIL DATE	DELIVERY MODE
04/30/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
05/01/2009 NFARMER 0000167040

CHECK Refund Total: $500.00

Adjustment date: 05/01/2009 NFARMER
12/28/2006 FMETEKI1 00000061 11645532
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/645,627	12/27/2006	Jung-Pil Park	P58166	7606

7590 10/23/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
PATEL, NITIN

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
10/23/2009	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

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

Mail Date: 07/15/2010

Applicant	: Ken Utagawa	: DECISION ON REQUEST FOR
Patent Number	: 7715703	: RECALCULATION of PATENT
Issue Date	: 05/11/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/645,663	: OF WYETH
Filed	: 12/27/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

LITMAN LAW OFFICES, LTD.
P.O. BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215

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JUN 0 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Daniel E. Kelly, Sr.	:	
Application No. 11/645,682	:	DECISION ON PETITION
Filed: December 27, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 28638.00	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 27, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant, Daniel E. Kelly, Sr. 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 3732 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/645,691	12/27/2006	Norihito Kosaka	102281.58215US	6007

7590 07/03/2008
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
JEN, MINGJEN

ART UNIT	PAPER NUMBER
3664	

MAIL DATE	DELIVERY MODE
07/03/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
07/09/2008 0030058130

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1009

Adjustment date: 07/09/2008 NFARMER
12/28/2006 TBESHAH1 00000077 11645691
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

Mail Date: 04/20/2010

Applicant	: Toshimasa Numata	: DECISION ON REQUEST FOR
Patent Number	: 7598817	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/645,786	: 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 **109** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY 12TH FLOOR
NEW YORK, NY 10036

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JUL 19 2007

OFFICE OF PETITIONS

In re Application of :
Amit Pascal, et. al. :
Application No. 11/645,787 :
Filed: December 27, 2006 :
Attorney Docket No. P-8482-US1 :

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed by facsimile transmission on April 30, 2007, to change the order of the names of the inventors.

The petition is **granted**.

The order of the names of the inventors will be changed as follows:

1. Amit Pascal
2. Zvika Gilad
3. Haim Bezdin

A petition under 37 CFR 1.182 requires a $400 petition fee; therefore, as authorized, that fee has been charged to petitioner's deposit account.

This application file is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/645,787	12/27/2006	3739	1130	P-8482-US1	11	1

CONFIRMATION NO. 5654

CORRECTED FILING RECEIPT

OC000000024900291

49443
PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY 12TH FLOOR
NEW YORK, NY 10036

Date Mailed: 07/19/2007

Receipt is acknowledged of this nonprovisional 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 (if appropriate).**

Applicant(s)

Amit Pascal, Haifa, ISRAEL;
Zvika Gilad, Haifa, ISRAEL;
Haim Bezdin, Rishon Le'Zion, ISRAEL;

Power of Attorney: The patent practitioners associated with Customer Number **49443**.

Domestic Priority data as claimed by applicant

This application is a CIP of 11/319,769 12/29/2005

Foreign Applications

If Required, Foreign Filing License Granted: 01/24/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/645,787

Projected Publication Date: 10/04/2007

Non-Publication Request: No

Early Publication Request: No

Title

In-vivo imaging optical device

Preliminary Class

600

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof

unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK, NY 10008-0770

MAILED

AUG 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Xing Su	:	DECISION ON PETITION
Application No. 11/645,814	:	TO WITHDRAW
Filed: December 27, 2006	:	FROM RECORD
Attorney Docket No. 21058/0206750-US0	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 10, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on August 19, 2009 the power of attorney to Darby & Darby P.C. 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: Pillsbury Winthrop Shaw Pittman LLP
P.O. Box 10500
McLean VA 22102

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PORTLAND OR 97201

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FEB 12 2009

OFFICE OF PETITIONS

In re Application of	:	
David Booth	:	
Application No. 11/645,816	:	DECISION ON PETITION
Filed: December 26, 2006	:	
Attorney Docket No. 1420-001MMM	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 20, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed January 29, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on March 30, 2007. A Notice of Abandonment was mailed May 19, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Oath/Declaration and $65.00 surcharge fee, the Statutory basic filing fee of $150.00, the Search fee of $250.00, the Examination fee of $100.00 (all previously submitted on March 28, 2007), and Replacement drawings, (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay.

Additionally, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $525.00, three month extension of time fee submitted on June 20, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card in due course.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Liana Walsh/
Liana Walsh
Petitioner Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090529

DATE : May 29, 2009

TO SPE OF : ART UNIT 2839

SUBJECT : Request for Certificate of Correction on Patent No.: 7,513,781

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:

Since patent has been issued, a Request for Correction of Inventorship under 37 CFR 1.48(a) has been treated as correction of inventor ship under 37 CFR 1.324.

Following inventors have been added:
Ryan D. Timmons, Mountain View, CA;
Andrew J.G. Kelly, Redwood City, CA;
Martin J. Wensley, Los Gatos, CA

/T C Patel/
Supervisory Patent Examiner.Art Unit 2839

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UNITED STATES DEPARTMENT OF COMMERCE
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WINSTEAD PC
P.O. BOX 50784
DALLAS, TX 75201

Mail Date: 04/21/2010

Applicant	: Ying Ma	: DECISION ON REQUEST FOR
Patent Number	: 7579014	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/645,871	: 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 **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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CST

3-29-07

In re application of Samuel Rupert Owens Serial No. 11/645,875 Filed: December 27, 2006 For: APPARATUS AND PROCESS FOR WATER CONDITIONING	: : : : : : :	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on February 20, 2007 (Certificate of Transmission/Mailing February 15, 2007) to make the above-identified application special.

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

Pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program. Note that any petition to make special under MPEP § 708.02, based solely on subsection V (Environmental Quality) was required to be filed prior to August 25, 2006.

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a) on or after August 25, 2006;
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;

4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because it was not filed electronically using the USPTO's electronic filing system (EFS), or EFS-web, and the application contained greater than twenty claims (58 total claims; 4 independent claims). Furthermore, in accordance with MPEP 708.02(a), section I, A, the petition to make special must be filed with the application. Here, the petition to make special was submitted on February 20, 2007. The application, however, was filed on December 27, 2006.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

Christine Tierney

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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.
11/645,887	12/27/2006	James P. Perry	8536USO1	9355

EXAMINER

ART UNIT	PAPER NUMBER
3782	

NOTIFICATION DATE	DELIVERY MODE
12/05/2008	ELECTRONIC

7590 12/05/2008
PAUL D. YASGER
ABBOTT LABORATORIES
100 ABBOTT PARK ROAD
DEPT. 377/AP6A
ABBOTT PARK, IL 60064-6008

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 12/04/2008 NFARMER
12/29/2006 JBALINAN 00000030 010025 11645887
02 FC:1111 500.00 CR

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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HONEYWELL INTERNATIONAL INC.
PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

Mail Date: 04/21/2010

Applicant	: Christopher S. Kenney	: DECISION ON REQUEST FOR
Patent Number	: 7652471	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/645,909	: 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 **154** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.:20090114

DATE : January 14, 2009

TO SPE OF : ART UNIT 2833

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 - 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: Renee S. Luebke **Art Unit** 2833

UNITED STATES PATENT AND TRADEMARK OFFICE

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FOLEY & LARDNER
555 SOUTH FLOWER STREET
SUITE 3500
LOS ANGELES CA 90071-2411

MAILED

APR 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Sheldon B. Moberg et al	:	
Application No. 11/646,000	:	DECISION GRANTING PETITION
Filed: December 26, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 047711-0402	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 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 February 5, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3763 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.*

Doc Code: PET.AUTO
Doc Description: Petition Automatically granted by EFS

3-25-8

IFW

PTO/SB/130 (03-08)
Approved for use through 03/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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OIPE IAP22 MAR 24 2008 PATENT & TRADEMARK OFFICE

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	11/646,002	Confirmation Number	9034	Filing Date	2006-12-27
Attorney Docket Number (optional)	MOI 285	Art Unit	3676	Examiner	TBD
First Named Inventor	William C. Pfefferle				
Title of Invention	Method For In-situ Combustion of In-place Oils				

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
William	C.	Pfefferle	Jr.

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		Date (YYYY-MM-DD)	2008-03-24
Name	Robert L. Rispoli	Registration Number	43884

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AUG 14 2007

OFFICE OF PETITIONS

JOHNS MANVILLE
10100 WEST UTE AVENUE
LITTLETON, CO 80127

In re Application of Wang et al. :
Application No. 11/646,007 : Decision on Petition
Filing Date: December 27, 2006 :
Attorney Docket No. 7664 :

This is a decision on the petition filed March 9, 2007, to accord the above-identified application a filing date of December 27, 2006.

The application was filed on December 27, 2006.

The transmittal sheet did not indicate any drawings were filed with the application. However, the specification refers to drawing Figures 1 and 2.

On January 30, 2007, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of the drawings.

In response, the present petition alleges that drawings are not "necessary for the understanding of the subject matter sought to be patented" within the meaning of 35 USC 113.

MPEP 601.01(f) states that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

This application contains disclosure directed to a process or method. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g). In other words, the Office should have mailed a "Notice of Omitted Item(s)" indicating drawings were missing but a filing date had been accorded, rather than a "Notice of Incomplete Application."

In view of the above, the petition is **granted**.

During examination, if the examiner determines drawings are necessary under 35 USC 113, he may reconsider the filing date issue and have the Office of Initial Patent Examination (OIPE) mail a Notice of Incomplete Application. See MPEP 601.01(f).

The petition fee of $400 will be credited back to petitioner's deposit account.

Petitioner is advised to file a preliminary amendment with the Office prior to the first Office action canceling all references in the specification to Figures 1 and 2. In the alternative, petitioner may seek to add some or all of the figures by amendment. If an amendment is filed adding the missing figures, the amendment will be considered by the examiner for entry of new matter not described in the application as filed.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of December 27, 2006, using the application papers filed December 27, 2006.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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MILLS & ONELLO LLP
ELEVEN BEACON STREET
SUITE 605
BOSTON, MA 02108

Mail Date: 04/21/2010

Applicant	: Min-gu Kim	: DECISION ON REQUEST FOR
Patent Number	: 7659735	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/646,014	: 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 **232** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SURJIT SINGH BILKHU
5 BRACEY RISE, WEST BRIDGFORD
NOTTINGHAM, UK NG2 7AX GB UNITED KINGDOM

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JAN 11 2008

OFFICE OF PETITIONS

In re Application of	:	
Bilkhu, Surjit Singh	:	
Application No. 11/646,037	:	DECISION ON PETITION
Filed: December 28, 2006	:	
Title: PUTTER INSERT	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 12, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a substitute specification and replacement drawings, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Initial Patent Examination for further processing.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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VENTURE PACIFIC LAW, PC
5201 GREAT AMERICA PARKWAY, SUITE 270
SANTA CLARA, CA 95054

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OFFICE OF PETITIONS

In re Application of	:	
Dong Liu et al	:	
Application No. 11/646,050	:	ON PETITION
Filed: December 26, 2006	:	
Attorney Docket No. BYD-US2006-048	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 10, 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 non-final Office action mailed September 20, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 21, 2007.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1796 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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FOLEY & LARDNER
555 South Flower Street
SUITE 3500
LOS ANGELES CA 90071-2411

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APR 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Julian D. Kavazov, et al.	:	
Application No. 11/646,052	:	DECISION GRANTING PETITION
Filed: December 26, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 047711-0405	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, April 8, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 5, 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 3763 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

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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.*

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BC

November 16, 2009

In re application of Kazunori Morimoto Serial No. 11/646,063 Filed: December 28, 2006 For: MANUFACTURING EQUIPMENT OF DISPLAY DEVICE AND MANUFACTURING METHOD OF DISPLAY DEVICE	: : : : : : : :	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) to make the above-identified application special filed September 30, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or

ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or

iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

c. A statement that the English translation is accurate;

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)

b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

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 Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

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.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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LAHIVE & COCKFIELD, LLP/THE MATHWORKS
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109-2127

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NOV 0 7 2008

OFFICE OF PETITIONS

In re Application of :
Steve Johnson :
Application No. 11/646,147 :
Filed: December 27, 2006 :
Attorney Docket No. MWS-284 :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed September 18, 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 petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on December 27, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of **** accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This application is being referred to Technology Center Art Unit 2192 for examination in due course.

Irvin Dingle
Petition Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/646,147	12/27/2006	Steve Johnson	MWS-284

CONFIRMATION NO. 8165

NONPUBLICATION RESCISSION LETTER

74321
LAHIVE & COCKFIELD, LLP/THE MATHWORKS
FLOOR 30, SUITE 3000
One Post Office Square
Boston, MA 02109-2127

OC000000032985592

Date Mailed: 11/06/2008

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 02/12/2009.

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".

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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ESCHWEILER & ASSOCIATES, LLC
629 EUCLID AVENUE
SUITE 1000
CLEVELAND OH 44114

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DEC 2 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Thurgate, et al.	:	
Application No. 11/646,157	:	DECISION
Filed: 26 December, 2006	:	
Attorney Docket No. AF01957	:	

This is a decision on the petition filed on 2 November, 2009, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay .

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 31 December, 2008, with reply due under a non-extendable deadline on or before 31 March, 2009.

The application went abandoned by operation of law after midnight 31 March, 2009.

The Office mailed the Notice of Abandonment 1 May, 2009.

On 2 November, 2009, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), a reply in the form of fees due, and made the statement of unintentional delay.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Publications Branch to be processed into a patent in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Publications Branch in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

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OFFICE OF PETITIONS

In re Application of	:	
Hideo OBATA, et al	:	
Application No. 11/646,188	:	DECISION ON PETITION
Filed: December 27, 2006	:	
Attorney Docket No. SONYJP3 3.0-1291	:	

This is a decision on the petition, filed May 26, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Office action mailed October 29, 2008, which set a shortened statutory period for reply of three (3) months. A Notice of Abandonment was mailed on May 6, 2009.

Petitioner asserts that the Office action dated October 29, 2008, was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's 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).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 2159 for re-mailing the Office action of October 29, 2008. The period for reply will run from the mailing date of the Office action.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
11/646,207	12/27/06	Allan Douglas Angus	GABR01-00003

EXAMINER
Dao L. Phan
Art Unit 3662

DATE MAILED:

This is a communication from the examiner in charge of your application
COMMISSIONER OF PATENTS AND TRADEMARKS

The petition filed November 26, 2008 under 37 CFR §1.97(d)(2)(ii) for consideration of an information disclosure statement filed after allowance has been:

[X] GRANTED.

[ ] DENIED.

The petition lacks:

[ ] The required fee under 37 CFR §§1.97(d)(2)(iii) and 1.17(i)(1).

[ ] A proper certification as specified in 37 CFR §§1.97(d)(2)(i) and 1.97(e)

The information disclosure statement has been placed of record in the file but will not be considered by the examiner.

/Thomas H. Tarcza/

Thomas H. Tarcza
SPE Art Unit 3662
571-272-6979

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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Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

Mail Date: 06/07/2010

Applicant	: Kent K. Leung	: DECISION ON REQUEST FOR
Patent Number	: 7630352	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/646,230	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/26/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **64** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

COPY MAILED

SEP 22 2008

OFFICE OF PETITIONS

In re Application of	:	
TANAKA, Katsuaki	:	
Application No. 11/646,273	:	DECISION GRANTING PETITION
Filed: December 28, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 130601	:	

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 August 20, 2008 *cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.*[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2838 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
WASHINGTON DC 20006-5403

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AUG 0 8 2008

In re Application of	:	
Yasutomo Aman et al	:	
Application No. 11/646,300	:	DECISION GRANTING PETITION
Filed: December 28, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. R2184.0296/P296-A	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 7, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 23, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2627 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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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.
11/646,355	12/28/2006	Yoshihiro Kikuchi	7906.0066-01	8986

7590 11/05/2009
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
BANKS HAROLD, MARSHA DENISE

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
11/05/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

[illegible]

Adjustment date: 11/06/2009 MFARMER
12/29/2006 UADDELR1 00000038 11646355
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

18 MAY 2004

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

RECEIVED
MAY 24 2004
By

DOCKETED
MAY 25 2004
GREENBERG TRAURIG

Refile petition 7/18/04

Brad R. Bertoglio
GREENBERG TRAURIG
77 W. Wacker Drive, Ste. 2500
Chicago, Illinois 60601

In re Application of
DE BAST, Christophe
PCT No.: PCT/GB01/00665
U.S. Application No: 10/203,714
International Filing Date: 16 February 2001
Priority Date: 18 February 2000
Attorney's Docket No.: 57660.010072
For: MOBILE TELEPHONE WITH IMPROVED MAN MACHINE INTERFACE

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(b)

In a decision mailed by this Office on 25 August 2003, the petition under 37 CFR 1.47(b) filed 03 March 2003 was dismissed without prejudice for failure to satisfy all the requirements of a grantable petition. Specifically, the 37 CFR 1.47(b) applicant had not provided an adequate showing of the transfer of proprietary interest in the present application from VTech Mobile Limited (VTech) to the 1.47(b) applicant, Donovan Developments Limited (Donovan).

On 27 October 2003, petitioner filed a response to the 25 August 2003 decision, treated herein as a renewed petition. The submission includes a "Nunc Pro Tunc Assignment Agreement" from VTech to Donovan. This document refers to a transfer from VTech to Donovan of "right, title, and interest in all pending applications for United States and foreign Letters Patent identified in the attached Exhibit A, ..." However, the submitted assignment document is incomplete in that it is not accompanied by the list of applications referred to as Exhibit A in the assignment document. Because the assignment document submitted is incomplete, the present submission cannot be accepted as demonstrating the chain of title from VTech to Donovan for the present application. Accordingly, petitioner has not satisfied all the requirements for a grantable petition.

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **DISMISSED WITHOUT PREJUDICE**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be 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.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

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

25 AUG 2003

Brad R. Bertoglio
GREENBERG TRAURIG
77 W. Wacker Drive, Ste. 2500
Chicago, Illinois 60601

AUG 29 2003

ENTERED 9/2/03

In re Application of
DE BAST, Christophe
PCT No.: PCT/GB01/00665
U.S. Application No: 10/203,714
International Filing Date: 16 February 2001
Priority Date: 18 February 2000
Attorney's Docket No.: 57660.010072
For: MOBILE TELEPHONE WITH IMPROVED MAN MACHINE INTERFACE

DECISION ON PETITION
UNDER 37 CFR 1.47(b)

DOCKETED
10/25/03 Reconsideration of Petition

This decision is issued in response to the petition under 37 CFR 1.47(b) filed 03 March 2003. Applicant has paid the required petition fee.

BACKGROUND

On 16 February 2001, applicant filed international application PCT/GB01/00665 which claimed a priority date of 18 February 2000 and which designated the United States. On 23 August 2001, a copy of the international application was communicated to the United States Patent Office ("USPTO") by the International Bureau ("IB").

On 15 August 2001, a Demand was filed with the International Preliminary Examining Authority electing the United States. The election was made prior to the expiration of 19 months from the priority date. As a result, the deadline for payment of the basic national fee was extended to expire 30 months from the priority date, i.e., 18 August 2002.

On 13 August 2002, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 24 September 2002, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 indicating that an oath or declaration in compliance with 37 CFR 1.497 and the $130 surcharge for filing the declaration later than thirty months after the priority date were required. The Notification also informed applicant that the failure to submit these materials within two months of the date of the Notification would result in abandonment of the application.

On 03 March 2003, Petitioner filed the present petition (with required extension fees ans surcharge). The petition seeks acceptance of the application without the signature of sole inventor Christophe De Bast, whom Petitioner asserts has refused to execute the declaration.

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 submission here satisfies items (1), (2), (3), (4), and (6).

Regarding item (5), Section 409.03(f) of the MPEP, **Proof of Proprietary Interest**, states, in part:

> When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that
> (A) the invention has been assigned to the applicant, or
> (B) the inventor has agreed in writing to assign the invention to the applicant, or
> (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.
>
> If the application has been assigned, a copy of the assignment (in the English Language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324)...
>
> 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 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.

Here, Petitioner has not provided sufficient evidence to show that Mr. De Bast has assigned his rights in the present application to the petitioner. The assignment of the priority application from Mr. De Bast to VTech Mobile Limited. has been furnished; however the Purchase Agreement for the Transfer of Intellectual Property Rights between Donovan Developments Limited and VTech Mobile Limited, provided by petitioner, does not adequately identify the present application. In fact, the purchase agreement broadly relates to the sale of assets and rights to "the development of a product family generically referred to as 'SPT1' " without identifying that the purchase includes PCT/GB01/00665.

Accordingly item (5) above has not been satisfied and applicant's petition must be dismissed.

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. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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JAN 06 2010

PATTON BOGGS LLP
2550 M STREET NW
WASHINGTON DC 20037-1350

In re Application of	:	
Mikhail I. Guskov et al.	:	
Application No. 11/646,362	:	DECISION ON PETITION
Filed: December 28, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 024053.0101PTUS	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(2), filed December 14, 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102(c)(2) and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The application must be directed to a single invention that either: A) materially enhances the quality of the environment or B) that materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii)

greenhouse gas emission reduction. If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 1 as explained below.

This application has been classified in an area (USPC 65/531) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4914.

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 1791 for action in its regular turn.

Ramesh Krishnamurthy
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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/646,370	12/28/2006	Moo-Sung Pyun	50667	9005

EXAMINER
GAFFIN, JEFFREY A

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
08/13/2008	PAPER

7590 08/13/2008
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 08/13/2008 BPOWELL
12/29/2006 WABDELR1 00000054 11646370
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP

Repln. Ref: 08/13/2008 BPOWELL 0012462100
DA#:182220 Name/Number:11646370
FC: 9204 $700.00 CR

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/646,407	12/28/2006	Masahiro Deguchi	063979-0081	8426

20277 7590 03/13/2008
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER
PATEL, NIMESHKUMAR D

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
03/13/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

McDermott, Will & Emery, LLP
600 13th Street, N.W.
Washington, D.C. 20005-3096

MAR 12 2008

In re Application of	:	**DECISION ON REQUEST TO**
Masahiro DEGUCHI, *et al.*	:	**PARTICIPATE IN PATENT**
Application No.: 11646407	:	**PROSECUTION HIGHWAY**
Filed: December 28, 2006	:	**PILOT PROGRAM AND PETITION**
Attorney Docket No. 063979-0081	:	**TO MAKE SPECIAL UNDER**
For: ELECTRON-EMITTING ELEMENT, FLUORESCENT LIGHT-EMITTING ELEMENT AND IMAGE DISPLAYING DEVICE	:	**37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed March 4, 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;
(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).

CONCLUSION

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be faxed to Michael Day at 571-273-1568.

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

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.
11/646,446	12/28/2006	Yoon-hwan Oh	0086.1031	8628

7590 09/30/2008
STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER

ART UNIT	PAPER NUMBER
2192	

MAIL DATE	DELIVERY MODE
09/30/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

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Adjustment date: 10/01/2008  BPOWELL
12729/2006 JBALINAN 00000052 11646446
02 FC:1111                        -500.00 OP
04 FC:1201                        -200.00 OP
05 FC:1202                        -250.00 OP
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Refund Ref:
10/01/2008                0030061807
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Credit Card Refund Total:      $725.00

VISA....: XXXXXXXXXXXX8086
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UNITED STATES PATENT AND TRADEMARK OFFICE

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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Sang Sic Yoon	: DECISION ON REQUEST FOR
Patent Number	: 7590009	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/646,449	: 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 **132** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

VERIZON
PATENT MANAGEMENT GROUP
1320 NORTH COURT HOUSE ROAD
9TH FLOOR
ARLINGTON VA 22201-2909

In re Application of	:	
Bhumip Khasnabish	:	
Application No. 11/646,455	:	DECISION ON PETITION
Filed: December 28, 2006	:	
Attorney Docket No. 04-1518	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 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 January 4, 2010, as required by the Notice of Allowance and Fee(s) Due mailed October 1, 2009. Accordingly, the date of abandonment of this application is January 5, 2010. A Notice of Abandonment was mailed January 20, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $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.

The file is now being forwarded to Technology Center 2614 for consideration and review of the Amendment filed with the instant petition.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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Paper No.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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JAN 05 2009

OFFICE OF PETITIONS

In re Application of	:	
Jae Hun Jun	:	DECISION ON PETITION
Application No. 11/646,461	:	
Filed: December 28, 2006	:	
Atty Docket No. 10024.0056	:	

This is a decision on the PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT AND TO RE-MAIL OFFICE ACTION filed August 6, 2008.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed December 26, 2007. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under §1.136(a). No reply timely filed and no extension of time obtained, the application became abandoned effective March 27, 2008. A courtesy Notice of Abandonment was mailed on July 9, 2008.

Citing Delgar v. Schulyer, applicant filed the instant petition to withdraw the holding of abandonment based on nonreceipt of the Office action mailed December 26, 2007. The petition includes statements from the practitioner attesting to a search of the file jacket, and that this search supports a conclusion that the Office action was not received. Further, attorney for applicant describes the docketing system, states where the Office action would have been entered had it been received and provides copies of the relevant portions of a mail log, a master docket and of the individual docket and states that with respect to each record there is no entry for the non-final Office action mailed December 26, 2007.

A review of the application file reveals no irregularities in the mailing of the Office action mailed December 26, 2007.

Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. The following showing is required (Practitioner should take note that although the requirements are substantially as quoted on petition, MPEP 711.03(c) has been revised as follows):

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has submitted an exemplary showing of non-receipt. (It is noted that it is permissible to redact the names of other

clients and other non-pertinent information set forth in records provided to make the Delgar showing.)

In view thereof, the Notice of Abandonment mailed July 9, 2008 and the holding of abandonment are hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 2819 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for re-mailing of the non-final Office action mailed December 26, 2007 and for restarting of the period for reply.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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P.O. BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215

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OFFICE OF PETITIONS

In re Application of	:	
Joseph Q. Leihgeber	:	
Application No. 11/646,471	:	DECISION ON PETITION
Filed: December 28, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 29078.00	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 28, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by 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 3749 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/646,516	12/28/2006	Yoshihiro Kikuchi	7906.0066-04	8279

EXAMINER
BANKS HAROLD, MARSHA DENISE

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
11/04/2009	PAPER

7590 11/04/2009
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

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

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/646,517	12/28/2006	Yoshihiro Kikuchi	7906.0066-05	8278

7590 11/05/2009
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
BANKS HAROLD, MARSHA DENISE

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
11/05/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 11/06/2009 NFARMER
12/29/2006 CNEGA1 00000026 11646517
02 FC:1111 -500.00 CR

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/646,518	12/28/2006	Yoshihiro Kikuchi	7906.0066-03	8277

7590 11/05/2009
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
BANKS HAROLD, MARSHA DENISE

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
11/05/2009	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.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Repin. Ref: 11/06/2009 NFARMER 0014E33000
DAN:020916 Name/Number:11646518
PL: 5204 $500.00 CR

Adjustment date: 11/05/2009 NFARMER
12/29/2006 CNEGA1 00000025 11646518
02 FC:1111 -500.00 OP

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/646,519	12/28/2006	Yoshihiro Kikuchi	7906.0066-02	8276

EXAMINER
BANKS HAROLD, MARSHA DENISE

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
11/04/2009	PAPER

7590 11/04/2009
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

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

FORM PET651G (Rev. 08/07)

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/646,553	12/28/2006	Hoe-Ju Chung	9862-000213/US	9044

7590 03/19/2010
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER
HUR, JUNG H

ART UNIT	PAPER NUMBER
2824	

MAIL DATE	DELIVERY MODE
03/19/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Niomi Farmer

Patent Publication Branch
Office of Data Management

Refund Date
03/19/2010 NFARMER 0000170430

CHECK Refund Total: $1650.00

Adjustment date: 03/19/2010 NFARMER
12/29/2006 EAYALEW1 00000091 11646553
02 FC:1111 -500.00 OP
04 FC:1201 -1000.00 OP
05 FC:1202 -150.00 OP

FORM PET651G (Rev. 08/07)

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BROWDY AND NEIMARK PLLC
624 NINTH STREET NW
SUITE 300
WASHINGTON DC 20001-5303

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NOV 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Shinichiro Kita	:	
Application No. 11/646,574	:	ON PETITION
Filed: December 28, 2006	:	
Attorney Docket No. KITA10	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed August 14, 2007.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No further fee is required for a renewed petition. This is **not** a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Missing Parts, mailed January 11, 2007. This Office action set an extendable period for reply of two (2) months. No extensions of time under 37 CFR 1.136(a) were obtained. No reply having been received, the application became abandoned on March 12, 2007. The mailing of this decision precedes the mailing of a Notice of Abandonment.

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).

The instant petition lacks requirement (1).

Petitioner has not submitted a statement that the English translation of the specification is accurate. See 37 CFR 1.52(d).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BROWDY AND NEIMARK PLLC
624 NINTH STREET NW
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WASHINGTON DC 20001-5303

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OFFICE OF PETITIONS

In re Application of	:	
Shinichiro Kita	:	
Application No. 11/646,574	:	ON PETITION
Filed: December 28, 2006	:	
Attorney Docket No. KITA10	:	

This is a decision on the renewed petition to revive under 37 CFR 1.137(b), filed January 29, 2008.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Missing Parts, mailed January 11, 2007. This Office action set an extendable period for reply of two (2) months. No extensions of time under 37 CFR 1.136(a) were obtained. No reply having been received, the application became abandoned on March 12, 2007. Applicant filed a petition to revive under 37 CFR 1.137(b) on August 14, 2007. However, the petition was dismissed in a decision mailed on November 29, 2007, because petitioner did not provide a statement that the English translation of the specification is accurate. See 37 CFR 1.52(d).

With the instant petition, petitioner has overcome the objections previously set forth in the November 29, 2007 decision.

The matter is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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CHURCH STREET STATION
NEW YORK, NY 10008-0770

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AUG 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Su et al.	:	DECISION ON PETITION
Application No. 11/646,601	:	TO WITHDRAW
Filed: December 28, 2006	:	FROM RECORD
Attorney Docket No. 21058/0206539-US0	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 10, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on August 19, 2009 the power of attorney to Darby & Darby P.C. 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: Pillsbury Winthrop Shaw Pittman LLP
P.O. Box 10500
McLean VA 22102

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SUITE 500
MCLEAN VA 22102-3833

MAILED

MAY 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Mitsuru Hiraki, et al.	:	
Application No. 11/646,618	:	DECISION GRANTING PETITION
Filed: December 28, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. XA-9412D-RE	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 15, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 27, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 2838 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams
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.*

PTO/SB/30 (07-06)
Approved for use through 09/30/2006 OMB 0651-0035
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 Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	11/646,618
Filing Date	December 28, 2006
First Named Inventor	HIRAKI, MITSURU
Art Unit	2838
Examiner Name	STERRETT, JEFFREY L.
Attorney Docket Number	XA-9412D-RE

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
   a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
      i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
      ii. ☐ Other
   b. ☒ Enclosed
      i. ☐ Amendment/Reply
      ii. ☐ Affidavit(s)/Declaration(s)
      iii. ☒ Information Disclosure Statement (IDS)
      iv. ☐ Other _____
2. **Miscellaneous**
   a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required).
   b. ☐ Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
   a. ☒ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. **50-1165**. I have enclosed a duplicate copy of this sheet.
      i. ☒ RCE fee required under 37 CFR 1.17(e)
      ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
      iii. ☐ Other _____
   b. ☐ Check in the amount of $_____ enclosed.
   c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Signature	/Mitchell W. Shapiro/	Date	May 15, 2009
Name (Print/Type)	Mitchell W. Shapiro	Registration No.	31,568

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at _____, on _____.

05/19/2009 LDIEP1 00000004 501165 11646618
01 FC:1801 810.00 DA

Signature:			
Name:		Date	

This collection of information is required by 37 CFR 1.114. 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 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 RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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www.uspto.gov

Jonathan D. Carpenter
Apt. 305
2907 Iowa Lane
Bismark, ND 58503

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SEP 02 2008

In re Application of	:	
Blaine J. Schatz	:	
Application No. 11/646,652	:	DECISION ON PETITION
Filed: December 28, 2006	:	TO WITHDRAW
Attorney Docket No.	:	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 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 Jonathan D. Carpenter, sole attorney of record. Jonathan D. Carpenter has been withdrawn as attorney of record.

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: Blaine J. Schatz
1019 N. 15th Street
Bismarck, ND 58501

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/646,652	12/28/2006	Blaine J. Schatz	

CONFIRMATION NO. 7903

POWER OF ATTORNEY NOTICE

JONATHAN D. CARPENTER
APT. 305
2907 IOWA LANE
BISMARCK, ND 58503

OC000000031854107

Date Mailed: 09/02/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/03/2008.

- 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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THE LAW OFFICES OF JOHN C. SCOTT, LLC
C/O INTELLEVELE
P. O. BOX 52050
MINNEAPOLIS MN 55402

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DEC 31 2007

OFFICE OF PETITIONS

In re Application of	:	
Avner Dor	:	
Application No. 11/646,659	:	ON PETITION
Filed: December 28, 2006	:	
Atty Docket No. 1000-0109	:	

This is in response[1] to the PETITION FOR FILING PATENT APPLICATION BY PERSON NOT THE INVENTOR UNDER 37 C.F.R. 1.47(b) filed May 11, 2007 by patent attorney John C. Scott presumably on behalf of an "assignee" of the subject application. However, the petition does not satisfy 37 CFR 3.73(b).

Pursuant to 37 CFR 3.73(b), a party must be established as the assignee by satisfying the requirements of that subsection, in order to be recognized as an owner or part owner, for purposes of taking action in patent matters before the Office.

§ 3.73 Establishing right of assignee to take action.
(a) The inventor is presumed to be the owner of a patent application, and any patent that may issue therefrom, unless there is an assignment. The original applicant is presumed to be the owner of a trademark application or registration, unless there is an assignment.

(b)(1) In order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent or trademark property of paragraph (a) of this section to the satisfaction of the Director. The establishment of ownership by the assignee may be combined with the paper

[1] This response to the Notice to File Missing Parts mailed January 29, 2007 was made timely by an accompanied petition and fee for extension of time for response within the second month.

that requests or takes the action. Ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either:

(i) Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment). The documents submitted to establish ownership may be required to be recorded pursuant to § 3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office; 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).

(2) The submission establishing ownership must show that the person signing the submission is a person authorized to act on behalf of the assignee by:

(i) Including a statement that the person signing the submission is authorized to act on behalf of the assignee; or
(ii) Being signed by a person having apparent authority to sign on behalf of the assignee, e.g., an officer of the assignee.

The action taken by the assignee, and the 37 CFR 3.73(b) submission establishing that the assignee is the appropriate assignee to take such action, can be combined in one paper. The establishment of ownership by the assignee must be submitted prior to, or at the same time as, the paper requesting or taking action is submitted. 37 CFR 3.73(c). If the submission establishing ownership is not present, the action sought to be taken will not be given effect. If the submission establishing ownership is submitted at a later date, that date will be the date of the request for action or the date of the assignee's action taken. See also MPEP 324.

The instant petition was filed by the assignee. The declaration for patent includes a statement that the signer, Michael Proksch, is authorized to sign the declaration on behalf of Intel Corporation. However, the petition does not include documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment) or a

statement 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) must be submitted. (Nor is such evidence present in the record of the application.)

In view thereof, the petition is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should address the deficiencies noted herein, 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).

This decision does not toll the period for response to the non-final Office action mailed September 19, 2007.

Further, petitioner should take note that acceptance of a declaration under § 1.47(b) requires, among other things:

> (6) that rule 47 applicant make out a prima facie case (i) that the invention has been assigned to him or her or (ii) that the inventor has agreed in writing to assign the invention to him or her or (iii) otherwise demonstrate a proprietary interest in the subject matter of the invention.

It is noted that a one-page translation of a nine-page employment agreement may not be sufficient to meet this requirement when the petition is given effect. Petitioner may want to review in particular the sufficiency of their response as to this element before submission of any renewed petition.

Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By fax: (571) 273-8300
ATTN: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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THE LAW OFFICES OF
JOHN C. SCOTT, LLC
C/O INTELLEVELE
P. O. BOX 52050
MINNEAPOLIS MN 55402

COPY MAILED

JAN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Avner Dor	:	DECISION ACCORDING STATUS
Application No. 11/646,659	:	UNDER 37 CFR 1.47(b)
Filed: December 28, 2006	:	
Atty Docket No. 1000-0109	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(b) filed April 28, 2008.

For the reasons set forth herein, the petition is **GRANTED**

The above-identified application was filed on December 28, 2006, with an unexecuted declaration. Accordingly, on January 29, 2007, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring submission of an executed oath or declaration and payment of the surcharge for late filing under § 1.16(e). This Notice set a two-month period for reply, with extensions of time obtainable under § 1.136(a).

On May 11, 2007, applicants responded with a petition under 37 CFR 1.47(b). This response was made timely by an accompanying petition and fee for extension of time for response within the second month. By decision mailed December 31, 2007, the petition was not considered on the merits as rule 47(b) applicant failed to satisfy 37 CFR 3.73(b). This decision set a two-month period for reply, with extensions of time obtainable under 37 CFR 1.136(a). Applicant was advised that failure to respond would result in abandonment of the application.

Applicant filed the instant petition on April 28, 2008, with an authorization to charge the required extension of time fee to a credit card[1]. Thus, the instant petition is accepted as timely filed.

To fulfill the requirements of 3.73(b), applicants provide a full translation of the signed employment agreement between sole inventor Dor and Intel Corporation. Attorney Scott states that the subject matter of the above-identified patent application was developed during Mr. Dor's employment at Intel. Specifically, it was conceived and reduced to practice while inventor Dor was an employee of Intel Corporation. Mr. Dor submitted his invention disclosure to Intel Corporation in early 2005.

37 CFR §1.47(b) provides that:

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.

Accordingly, a grantable petition under 37 CFR §1.47(b) requires: (1) an acceptable oath or declaration in compliance with 37 C.F.R. §1.63 and 1.64 or 1.175; (2) the rule 47 applicant must state his or her relationship to the inventor as required by 37 C.F.R. §1.64; (3) proof that the non-signing inventor cannot be found or reached after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (4) the petition fee; (5) a statement of the last

[1] Upon receipt, the Office of Finance determined that the credit card did not have sufficient funds. This conclusion was in error.

known address of the non-signing inventor; (6) that rule 47 applicant make out a prima facie case (i) that the invention has been assigned to him or her or (ii) that the inventor has agreed in writing to assign the invention to him or her or (iii) otherwise demonstrate a proprietary interest in the subject matter of the invention; and (7) rule 47 applicant must prove that the filing of the application is necessary (i) to preserve the rights of the parties or (ii) to prevent irreparable damage.

The requirements of 37 CFR 1.47(b) have been met. The declaration for patent submitted includes a statement that the signer, Michael Proksch, is authorized to sign the declaration on behalf of Intel Corporation. The declaration is in compliance with the requirements set forth in (1) and (2) above.

By declaration of patent attorney John C. Scott and supporting documentation, petitioner has provided adequate proof of inventor Dor's unavailability to join in the application. Specifically, the evidence supports a conclusion that by his conduct in not responding to the request to execute the declaration after having been presented with the application papers, inventor Dor has refused to join in the application. The evidence shows that the application papers were sent by DHL delivery to inventor Dor at his last known address in Israel and no response was received. This favorable decision is based on a conclusion that the DHL courier delivery was not returned as undeliverable. Petitioner must advise the undersigned if this inference of delivery is incorrect.

It is further noted that no weight is given to the transmittals of the application papers by e-mail. This is because there is no evidence in the record to show that inventor Dor received and was able to open those e-mails. Absent a response to those e-mails from the inventor, it cannot be concluded that his failure to respond constitutes a refusal. The inventor may not have responded to the e-mails because he did not receive the e-mail or was unable to open or read the e-mail, rather than because he refused to join in the application.

Receipt of the petition fee of $200 is acknowledged. The petition includes a statement of inventor Dor's last known address, an agreement to assignee in the form of an employment agreement executed by inventor Dor covering this application. Attorney Scott provides a statement that the filing of the application is necessary to preserve the rights of Intel

Corporation and to prevent irreparable damage that would result if prior art were to emerge before a filing date was obtained.

All requirements of 37 CFR 1.47(b) have been met.

This application is hereby accorded Rule 1.47(b) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

It is specifically acknowledged that the prior decision erred in indicating that a response to a non-final Office action was due. As stated by petitioner, no Office action was mailed in this application on September 19, 2007 (or on any other date).

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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Avner Dor
7/54 Dekel Street
Or Yehuda, Israel

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JAN 2 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Avner Dor	:	
Application No. 11/646,659	:	LETTER
Filed: December 28, 2006	:	
Atty Docket No. 1000-0109	:	

Dear Mr. Dor:

You are named as sole inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 118 (United States Code) and 37 CFR 1.47(b), 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 Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be

directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

THE LAW OFFICES OF JOHN C. SCOTT, LLC
C/O INTELLEVELE
P. O. BOX 52050
MINNEAPOLIS MN 55402

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MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND WA 98052-6399

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APR 3 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Kabir SIDDIQUI et al.	:	
Application No. 11/646,666	:	DECISION ON PETITION
Filed: December 28, 2006	:	
Attorney Docket No. **317599.01**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 01, 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 December 07, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed September 07, 2007. Accordingly, the date of abandonment of this application is December 08, 2007.

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 $1400 and the publication fee of $300, (2) the petition fee of $1540; and (3) a proper statement of unintentional delay. Accordingly, the Issue Fee and the Publication Fee payment is accepted as having been unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and

Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Publishing Division for processing into a patent.

David Bucci
Petitions Examiner
Office of Petitions

cc: **RUSSELL S. KRAJEC**
KRAJEC PATENT OFFICES, LLC
820 WELCH AVENUE
BERTHOUD, CO 80513

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Paper No. None

Charles N.J. Ruggiero, Esq.
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford CT 06901-2682

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Chris Puranen et al.	:	
Application No. 11/646,674	:	DECISION ON PETITION
Filed: December 28, 2006	:	PURSUANT TO 37 C.F.R.
Attorney Docket Number:	:	§1.53
0002671USU/2431	:	
Title: METHODS FOR DETECTING	:	
AND RESPONDING TO FREEZING	:	
COILS IN HVAC SYSTEMS	:	

This is a decision on the petition filed April 11, 2007, under 37 C.F.R. § 1.53, requesting that the above-identified application, including two sheets of drawings, be accorded a filing date of December 28, 2006 as part of the original disclosure.

The present application was deposited on December 28, 2006. However, on April 9, 2007, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" (notice), stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the deposit of drawings.

In response, on April 11, 2007, applicants filed the present petition. The petition is further accompanied by a copy of two sheets of drawings, along with a copy of applicants' postcard receipt acknowledging receipt of "2 sheets of Drawings" in the United States Patent and Trademark Office (Office) on December 28, 2006. Applicants request that the present application, including each of these two sheets of drawings, be accorded a filing date of December 28, 2006.

No sheets of drawings have been located among the application papers in the electronic file. However, the evidence is convincing that the application papers deposited on December 28, 2006 included two sheets of drawings, and each of these sheets was subsequently misplaced in the Office.

Therefore, the application, including two sheets of drawings, was complete on filing and entitled to a filing date of December 28, 2006 as part of the original disclosure.

Accordingly, the petition under 37 C.F.R. §1.182 is **GRANTED**.

The notice mailed April 9, 2007 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee of $400 has been refunded to Petitioner's Deposit Account.

OIPE will be notified that the application should receive a filing date of December 28, 2006, using the original application papers filed on that date, as well as the two sheets of drawings submitted on April 11, 2007, and it will be noted in Office records that these two sheets of drawings were present on filing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND OH 44114

MAILED

JUN 2 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Hermann J. GOEBELS, et al	:	
Application No. 11/646,679	:	DECISION ON PETITION
Filed: December 28, 2006	:	
Docket No. 28679/06035	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 14, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 8, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 9, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620; and (3) and the required statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3657 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: CHERYL L. GREENLY
901 CLEVELAND STREET
ELYRIA OH 44035

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/646,689	12/27/2006	Chih-Hsiang Lin	JCLA21854	2817

7590 07/13/2010

J.C. Patents
SUITE 250
4 VENTURE
IRVINE, CA 92618

EXAMINER
AHMED, SHAMIM

ART UNIT	PAPER NUMBER
1713	

MAIL DATE	DELIVERY MODE
07/13/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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td

Mailed: JUL 13 2010

In re application of	:	
CHIH-HSIANG LIN et al.	:	DECISION ON
Serial No. 11/646,689	:	PETITION
Filed: December 27, 2006	:	
For: PROCESSING METHOD OF POLYMER PRODUCTS		

This is a decision on the PETITION TO ACCEPT COLOR DRAWINGS OR PHOTOGRAPHS UNDER 37 C.F.R. э 1.84(a)(2) or (b)(2), filed December 27, 2006. The petition includes (1) the fee as required by 37 CFR 1.17(h), (2) three sets of the color photographs, (3) an amendment to the specification which includes the language set forth in 37 CFR 1.84(a)(2)(iv), and (4) an explanation stating why color photographs are necessary.

A review of the application record indicates that all of the requirements for acceptance of color photographs have been met.

The Petition is **GRANTED**.

/Parviz Hassanzadeh/
Supervisory Patent Examiner
Technology Center 1700

J.C. PATENTS
SUITE 250
4 VENTURE
IRVINE, CA 92618

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www.uspto.gov

MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

MAILED

NOV 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Paul Howard	:	
Application No. 11/646,692	:	DECISION ON PETITION
Filed: December 27, 2006	:	TO WITHDRAW
Attorney Docket No. 562492007400	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 2, 2009.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner of 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, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (Form PTO/SB/83).

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.

All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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Anderson Gorecki & Manaras, LLP
Attn: John C. Gorecki
P.O BOX 553
CARLISLE, MA 01741

Mail Date: 05/13/2010

Applicant	: Dwight Jamieson	: DECISION ON REQUEST FOR
Patent Number	: 7643496	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/646,693	: 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 **450** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Sung Yong Park	: DECISION ON REQUEST FOR
Patent Number	: 7642731	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/646,703	: 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 **210** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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AUG 25 2008
OFFICE OF PETITIONS

KEVIN E. MC VEIGH
RHODIA INC.
CN 7500
8 CEDAR BROOK DRIVE
CRANBURY NJ 08512

In re Application of	:	
Frances George Smith et al.	:	
Application No. 11/646,721	:	DECISION ON PETITION
Filed: December 28, 2006	:	PURSUANT TO
Attorney Docket No. RD 05019	:	37 C.F.R. § 1.78(A)(6)
Title: AGRICULTURAL PESTICIDE	:	
COMPOSITIONS	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.78(a)(6), filed July 21, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment to the specification.

The petition is **DISMISSED AS MOOT**.

The petition is accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed applications. While a reference to the prior-filed nonprovisional and provisional applications was not included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title as required by the rules, a reference, nevertheless, was made in the declaration filed with the application.

Where a claim for priority under 37 C.F.R. § 1.78(a)(6) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to

accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 C.F.R. §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). On the other hand, if the USPTO does not note the claim for priority to the prior-filed applications set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 C.F.R. §§ 1.78(a)(3) and 1.78(a)(6).[1] In the present case, the Office noted the claim for priority to the prior-filed applications in the transmittal letter filed with the application, as shown by their inclusion on the filing receipt.

In view of the above, the petition fee is unnecessary and has not been charged to Petitioner's Deposit Account.

The application is being forwarded to Technology Center AU 4171 for appropriate action on the amendment filed July 21, 2008, including 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.

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[2] All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Anthony Knight
Supervisor
Office of Petitions

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1 *Note* MPEP § 201.11 (III)(D) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.
2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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Paul D. Greeley
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford CT 06901-2682

COPY MAILED
JUL 18 2008

In re Application of :
Rivers, et al. :
Application No. 11/646,733 : ON PETITION
Filed: December 28, 2006 :
Attorney Docket No. 222203

This is regarding the "Second Request for Corrected Filing Receipt", filed February 8, 2008, which will be treated as petition under 37 CFR 1.182. This is also a decision on the petition to expedite under 37 CFR 1.182.

The petition to correct inventors name under 37 CFR 1.182 is **granted**.

The petition to expedite is also **granted**.

The name of the sixth and seventh joint inventors cited on the application are changed to "Pradeep Vijayan" and "Vijaysai Prasad", respectively.

Pursuant to 37 CFR 1.67, petitioner has provided a supplemental declaration correcting the names of the joint inventors.

A corrected filing receipt is enclosed.

The application file is being directed to Technology Center 2800, GAU 2836 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: 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
11/646,733	12/28/2006	2836	1000	222203	17	2

CONFIRMATION NO. 8496

REPLACEMENT FILING RECEIPT

OC000000030936686

Paul D. Greeley
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford, CT 06901-2682

Date Mailed: 07/15/2008

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)

Cecil Rivers JR., Hartford, CT;
Weizhong Yan, Clifton Park, NY;
Yingneng Zhou, Niskayuna, NY;
Xiao Hu, Schenectady, NY;
Sean Dwyer, Milford, CT;
Pradeep Vijayan, Kamataka, INDIA;
Vijaysai Prasad, Kamataka, INDIA;
Karim Younsi, Ballston Lake, NY;

Power of Attorney:
Charles Ruggiero--28468
Paul Greeley--31019

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/08/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/646,733**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Series arc fault current interrupters and methods

Preliminary Class

361

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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FRISHAUF HOLTZ GOODMAN & CHICK, PC
220 FIFTH AVENUE, 16TH FLOOR
NEW YORK, NY 10001-7708

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Application of :
Junichi Noro :
Application No. 11/646,742 : ON PETITION
Filed: December 28, 2006 :
Attorney Docket No. 06976/LH

This is a decision on the petition, filed July 16, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 9, 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 2618 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

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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 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/646,751	12/28/2006	Anthony Reid	897A.0027.U1(US)	9964

29683 7590 06/02/2010
HARRINGTON & SMITH
4 RESEARCH DRIVE, Suite 202
SHELTON, CT 06484-6212

EXAMINER
PATHAK, SUDHANSHU C

ART UNIT	PAPER NUMBER
2611	

MAIL DATE	DELIVERY MODE
06/02/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAIL

JUN 02 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

HARRINGTON & SMITH
4 RESEARCH DRIVE, Suite 202
SHELTON CT 06484-6212

In Re Application of
REID, ANTHONY
Application Serial No. 11/646,751
Filed: December 28, 2006
For: **APPARATUS, METHOD AND COMPUTER PROGRAM PRODUCT PROVIDING JOINT SYNCHRONIZATION USING SEMI-ANALYTIC ROOT-LIKELIHOOD POLYNOMIALS FOR OFDM SYSTEMS**

DECISION
ON PETITION

This is a response to the three petitions filed simultaneously on January 04, 2010. The first petition is a petition to expunge two documents, pursuant to 37 CFR §1.59(b). The second petition is a petition to invoke supervisory authority of the director to expunge two documents and have the rejection based thereon removed, pursuant to 37 CFR §1.181. The third petition is a petition to waive patent rules under 37 CFR §1.181(f), pursuant to 37 CFR §1.183.

In the first petition pursuant to 37 CFR §1.59(b), petitioner requests that two documents and page 3 of the IDS filed July 5, 2007 be expunged from the record and be replaced by a new page 3 of the IDS that excludes the two documents.

Petitioner states that the Applicant inadvertently submitted two internal, unpublished documents. Both of these documents were not externally published and were inadvertently placed on the IDS.

OPINION

A review of the file record indicates, the petition fails to meet the requirements set forth in MPEP 724.05 (II), which states in part:

A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:
(A) the Office can effect such return prior to the issuance of any patent on the application in issue;
(B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who

submitted the information or to the party in interest on whose behalf the information was submitted;
(C) the information has not otherwise been made public;
(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and
(F) the petition fee as set forth in 37 CFR 1.17(g) is included.

Petitioner has not met the requirements of items B, C, and D.

Accordingly the petition pursuant to 37 CFR §1.59(b) is **DISMISSED**.

In the second petition pursuant to 37 CFR §1.181, petitioner requests to invoke the supervisory authority of the Director to have two documents and page 3 of the IDS filed July 5, 2007 be expunged from the record. Also requested is the rejection based on these documents in the office action dated October 09, 2009 be removed.

REGULATIONS AND PRACTICE

§ 1.59 Expungement of information or copy of papers in application file.
(b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(g) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.

§ 1.111 Reply by applicant or patent owner to a non-final Office action.
(a)
(1) If the Office action after the first examination (§ 1.104) is adverse in any respect, the applicant or patent owner, if he or she persists in his or her application for a patent or reexamination proceeding, must reply and request reconsideration or further examination, with or without amendment. See §§ 1.135 and 1.136 for time for reply to avoid abandonment.

MPEP 1201 [R-3] Introduction
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)<.

OPINION

With respect to first request, petitions to expunge documents are treated pursuant to Rule 37 CFR §1.59(b). As noted above, a petition pursuant to 37 CFR §1.59(b) has already been addressed. Regarding the second request, in accordance with 37 CFR 1.111(a) if applicant believes after first examination the office action is adverse in any respect, they must reply and request further examination. Also, in accordance with MPEP 1201, the request to remove a reference from a rejection concerns the denial of patent claims which relates to the merits. This is an appealable issue not a petitionable issue.

Accordingly the petition pursuant to 37 CFR §1.181 is **DISMISSED**.

In the third petition pursuant to 37 CFR §1.183, petitioner requests that the two month period for response under 35 C.F.R. §1.181(f) be extended to even date herewith.

As evidenced by the above decision with respect to the 37 CFR 1.181 petition, the petition pursuant to 37 CFR 1.183 is **DISMISSED AS MOOT**.

A review of the file wrapper indicates no response to the office action mailed on October 09, 2009 has been received. In accordance with 37 CFR 1.111(a) the time for reply pursuant to 35 CFR 1.135 and 1.136 have expired. This application is now abandoned. The file will be forwarded to the examiner for processing a Notice of Abandonment.

Mark R. Powell

Mark R. Powell, Director
Technology Center 2600
Communications

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Medlen & Carroll, LLP
Suite 350
101 Howard Street
San Francisco CA 94105

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AUG 21 2007

OFFICE OF PETITIONS

In re Application of Sammut et al. Application No.11/646,755 Filed: December 28, 2006 Attorney Docket No. Sammut-14042	DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR § 1.47(a), filed June 27, 2007 (certificate of mailing June 25,2007).

The petition under 37 CFR. § 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. § 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on December 28, 2006, without an executed oath or declaration. Accordingly, on February 23, 2007, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision an executed oath or declaration in compliance with § 1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of April 23, 2007.

In reply, applicant filed a petition, the surcharge for late filing of the declaration, and a partially executed declaration. To make timely a two month extension of time was submitted. The Office is in receipt of $130.00 towards the $200.00 petition fee. Pursuant to petitioner's request deposit account no. 08-1290 will be charged the $70.00 difference.

A grantable petition under 37 CFR. § 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the

petition fee; and (4) a statement of the last known address of the non-signing inventor. The instant petition does not satisfy requirement (2).

As to item (2), the declaration which was submitted concurrently with the present petition cannot be accepted, as it is defective. The declaration does not 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 37 CFR 1.56. Instead of "material to patentability," it improperly states "material to the examination of this application".

On renewed petition, a new oath or declaration is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Medlen & Carroll, LLP
Suite 350
101 Howard Street
San Francisco CA 94105

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NOV 20 2007

OFFICE OF PETITIONS

In re Application of Dennis Sammut, Lawrence Chao and Dickinson Buell Application No.11/646,755 Filed: December 28, 2006 Attorney Docket No. SAMMUT-14042 Title of Invention: Apparatus and Method for Calculating Aiming Point Information	: : : : : : :	DECISION

This is in response to the renewed petition under 37 CFR 1.47(a) filed October 22, 2007.

The petition is GRANTED.

Petitioner has shown that non-signing inventor Buell has refused to join in the filing of the above-identified application after having been presented with the application papers. The petition attest a copy of the application was sent to non-signing inventor's last known address. The non-signing inventor's failure to respond to the application mailing sufficiently establishes that he refuses to execute the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Dickinson Buell
310 Cherry Lane, Apartment E
Phoenix, OR 97535

COPY MAILED

NOV 20 2007

OFFICE OF PETITIONS

In re Application of
Dennis Sammut, Lawrence Chao and Dickinson Buell
Application No.11/646,755
Filed: December 28, 2006
Attorney Docket No. SAMMUT-14042
Title of Invention: Apparatus and Method for Calculating Aiming Point Information

: LETTER

Dear Mr. Buell:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. § 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant
Petitions Attorney
Office of Petitions

Medlen & Carroll, LLP
Suite 350
101 Howard Street
San Francisco CA 94105
ATTN: Jason R. Bond

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MARTIN & FERRARO, LLP
1557 LAKE O'PINES STREET, NE
HARTVILLE, OH 44632

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JAN 28 2009

OFFICE OF PETITIONS

In re Application of :
David F. Meschan :
Application No. 11/646,770 : ON PETITION
Filed: December 28, 2006 :
Attorney Docket No. 104.0004-07000 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 8, 2008, to revive the above-identified application.

The application became abandoned for failure to file a reply to the non-final Office action mailed on June 4, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and terminal disclaimer under 37 CFR 1.321 with the $140 fee; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office acknowledges receipt of $1,110 for a three months extension of time. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r. Pats. 1988). Accordingly, since the $1,110 extension of time was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

This application file is being referred to Technology Center Art Unit 3728 for review of the amendment filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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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BINGHAM MCCUTCHEN, LLP
THREE ENBARCADERO CENTER
SAN FRANCISCO, CA 94111-4067

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JUN 2 0 2008

OFFICE OF PETITIONS

In re Application of	:	
ZHANG, Yu	:	
Application No. 11/646,835	:	DECISION ON PETITION
Filed: December 27, 2006	:	TO WITHDRAW
Attorney Docket No. **38739/62**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 21, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **BINGHAM MCCUTCHEN, LLP** has been revoked by the assignee of the patent application on March 5, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **MINDRAY C/O STOEL RIVES LLP**
201 S. MAIN STREET, SUITE 1100
SALT LAKE CITY UT 84111

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OCT 01 2008

BINGHAM MCCUTCHEN LLP
THREE EMBARCADERO CENTER
SAN FRANCISCO, CA 94111-4067

In re Application of	:	
Yu Zhang,et al.	:	
Application No. 11/646,841	:	DECISION ON PETITION
Filed: December 27, 2006	:	TO WITHDRAW
Attorney Docket No. 38739/63	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 21, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Bingham McCutchen, LLP has been revoked by the assignee of the patent application on March 5, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
April M. Wise
Petitions Examiner
Office of Petitions

cc: MINDRAY C/O STOEL RIVES, LLP
201 S. MAIN STREET
SUITE 1100
SALT LAKE CITY, UT 84111

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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JJGJR.: 12-07

Paper No: __

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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DEC 10 2007

OFFICE OF PETITIONS

In re Application of	:	
Ramanathan, et al.	:	
Application No. 11/646,845	:	ON PETITION
Filed: 27 December, 2006	:	
Attorney Docket No. 019959-002810US	:	

This is a decision on the petition filed on 4 June, 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 **GRANTED**.

BACKGROUND

The record indicates:

- the instant application was filed on 27 December, 2006, without, *inter alia*, a fully executed oath/declaration;

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.

- on 1 February, 2007, Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;

- on 4 June, 2007, Petitioner George B. Yee(Reg. No. 37,478), filed, *inter alia*, the petition with an oath/declaration signed by co-inventors Ramanathan, Talmor, Kao, and Ho on behalf of themselves and non-signing co-inventor Rudramahesh Rugge (Mr. Rugge) and Petitioner's statement and that of the averred assignee's paralegal Debra A. Walker as to the procedure followed and express statements and documents for a showing that that the entire application (description, claims, abstract and drawings) were transmitted to the non-signing inventor Mr. Rugge, as required by statute, regulation and practice of the Office, and that the non-signing inventor has failed to join in the oath/declaration.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office are 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]

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[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 C
(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;
(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and
(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.
(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of C
(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;

Lastly, Petitioner has submitted a declaration in compliance with 37 C.F.R. §1.63 and §1.64 and Petitioner has shown that such action is necessary to prevent irreparable damage.

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 OIPE for processing as necessary to reflect the instant decision before being released for examination in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) 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

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(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] 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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P.O. Box 1450
Alexandria, VA 22313-1450
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JJGJR.: 12-07

Paper No: __

RUDRAMAHESH RUGGE
766 DUNCARDINE WAY
SUNNYDALE, CA 94087

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DEC 10 2007

OFFICE OF PETITIONS

In re Application of :
Ramanathan, et al. :
Application No. 11/646,845 :
Filed: 27 December, 2006 :
Attorney Docket No. 019959-002810US :

COMMUNICATION

Dear Rudramahesh Rugge:

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

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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]

position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or toll-free: (800) 972-6382 (outside the Washington D.C. area).

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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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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MAIL

JAN 2 6 2007
DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

KIOMARS ANVARI
1567 SERAFIX RD
ALAMO CA 94507

In re Application of:
Kiomar Anvari
Serial No.: 11/646,876
Filed: December 29, 2006

Title: **EQUALIZER FILTER WITH DYNAMICALLY CONFIGURABLE CONVOLUTION FILTER**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on December 29, 2006 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application was not filed electronically using the USPTO's electronic filing system (EFS) as set forth in condition 2. above.

For the above-stated reason, the petition is denied. After the application is considered complete by the Office of Initial Patent Examination (OIPE), it will be taken up by the examiner for action in its regular turn.

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/646,896	12/28/2006	Sanh D. Tang	303.825US3

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

DATE MAILED: September 13, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed August 28, 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
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Altera Law Group, LLC
220 S 6 St Suite 1700
Minneapolis MN 55402

MAILED

JUL 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Taina Tuulikki Puumalainen	:	
Application No. 11/646,907	:	DECISION ON PETITION
Filed: December 28, 2006	:	TO WITHDRAW
Attorney Docket No. 03745.0192-US-I1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 28, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Michael Lasky on behalf of all attorneys of record who are associated with Customer No. 22865.

All attorneys/agents associated with the Customer No. 22865 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Taina Tuulikki Puumalainen at the address indicated in the request.

There is no an outstanding Office action, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Taina Tuulikki Puumalainen
Liisantie 7 D 30
OULU 90560 FI FINLAND

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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SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO, CA 94403

Mail Date: 04/21/2010

Applicant	: David John Smith	: DECISION ON REQUEST FOR
Patent Number	: 7637947	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/646,913	: 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 **432** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

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JUN 07 2007

OFFICE OF PETITIONS

In re Application of	:	
Yorio Wada, et al.	:	
Application No. 11/646,916	:	DECISION GRANTING PETITION
Filed: December 27, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 12706/31	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 29, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 25, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 2872 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Frances Hicks

Frances M. Hicks
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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Mindray c/o Vista IP Law Group, LLP
1885 Lundy Avenue
Suite 108
San Jose, CA 95131

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DEC 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Cheng Luo, et. al.	:	
Application No. 11/646,929	:	ON PETITION
Filed: December 27, 2006	:	
Attorney Docket No. 7053432001	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 16, 2009, to revive the above-identified application.

The application became abandoned for failure to file a reply to the Notice of Allowance and Fee(s) Due mailed on July 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 $1,510 for payment of the issue fee and $300 for payment of the publication fee; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Data Management for further processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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Donald W. Meeker
Patent Agent
924 East Ocean Front #E
Newport Beach CA 92661

JAN 03 2008

In re Application of: TUYMER Serial No.: 11/646,940 Filed: December 27, 2006 Title: COMPRESSOR VALVE	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on December 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. As noted in the policy statement referenced above, any petition to make special filed on or after the effective date must meet the new requirements set forth in the 71 Fed. Reg. 36323 notice. Applications filed before the effective date will not be eligible for the revised accelerated examination program. The

effective date of the change in practice was August 25, 2006. Thus the instant petition must be reviewed under the revised practice and the instant application is ineligible.

The petition appears on its face to have been filed without recognition of the August 25, 2006 policy change to the petition to make special program. The changes to the program are substantial. A copy of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) is being attached to the mailed decision for petitioner's review. Further guidance may be found at www.USPTO.gov under the accelerated examination link.

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to J. Harrison, TC 3700 Special Program Examiner, at (571) 272-4449.

J. Harrison
Special Program Examiner
Technology Center 3700

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LAW FIRM OF YURIKATESHOV
174 FERNDALE RD.
SCARSDALE NY 10583

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FEB 19 2009

OFFICE OF PETITIONS

In re Application of
Lucien Ducret
Application No.11/646,943
Filed: December 29, 2006
Attorney Docket No. ST009

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 12, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed April 17, 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 2831 for appropriate action by the Examiner in the normal course of business on the reply received January 12, 2009.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/24/08

TO SPE OF : ART UNIT 3641

SUBJECT : Request for Certificate of Correction for Appl. No.: 11646959 Patent No.: 7380505 B1

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

LN

_____
Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER

10/24/08

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OFFICE OF PETITIONS

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

In re Application of	:	
ROPER, D. Keith	:	
Application No. 11/646,989	:	DECISION ON PETITION
Filed: December 28, 2006	:	TO WITHDRAW
Attorney Docket No. **0274-7630.1US**	:	FROM RECORD

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 19, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Allen C. Turner 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.

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: **D. KEITH ROPER**
4422 FORTUNA WAY
SALT LAKE CITY, UT 84124

cc: **WORKMAN NYDEGGER**
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/646,989	12/28/2006	D. Keith Roper	0274-7630.1US

CONFIRMATION NO. 2584

OC000000025741124

24247
TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

Date Mailed: 09/10/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/19/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Michelle R. Saor

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY

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Sand & Sebolt
Aegis Tower, Suite 1100
4940 Munson Street, NW
Canton, OH 44718-3615

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OFFICE OF PETITIONS

In re Application of	:	
Christopher J. Fawcett, et al.	:	
Application No. 11/647,015	:	DECISION ON PETITION
Filed: December 28, 2006	:	TO WITHDRAW
Attorney Docket No. 3719/57US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 2, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Sand & Sebolt has been revoked by the assignee of the patent application on October 10, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **Sand & Sebolt**
Aegis Tower, Suite 1100
4940 Munson Street, NW
Canton, OH 44718-3615

Day : Wednesday

Date: 12/23/2009

Time: 17:28:34

PALM INTRANET

Inventor Name Search Result

Your Search was:

Last Name = WAKIM
First Name = LINDA

Application#	Patent#	PG Pub#	Status	Date Filed	Title	Examiner Name	Inventor Name
11415812	Not Issued		160	05/02/2006	Enhanced demand deposit accounts	,	WAKIM, LINDA
60676831	Not Issued		159	05/02/2005	Enhanced demand deposit accounts	,	WAKIM, LINDA
11647034	Not Issued		71	12/28/2006	Enhanced demand deposit accounts	FIELDS,BENJAMIN	WAKIM, LINDA H.

Inventor Search Completed: No Records to Display.

Search Another: Inventor **Last Name** WAKIM **First Name** LINDA Search

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Day : Wednesday

Date: 12/23/2009

Time: 17:27:26

PALM INTRANET

Inventor Name Search Result

Your Search was:

Last Name = TRIVILINO
First Name = ALAN

Application#	Patent#	PG Pub#	Status	Date Filed	Title	Examiner Name	Inventor Name
11415812	Not Issued		160	05/02/2006	Enhanced demand deposit accounts	,	TRIVILINO, ALAN
11647034	Not Issued		71	12/28/2006	Enhanced demand deposit accounts	FIELDS,BENJAMIN	TRIVILINO, ALAN
60676831	Not Issued		159	05/02/2005	Enhanced demand deposit accounts	,	TRIVILINO, ALAN

Inventor Search Completed: No Records to Display.

Search Another: Inventor **Last Name** TRIVILINO **First Name** ALAN Search

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Day : Wednesday

Date: 12/23/2009

Time: 17:26:21

PALM INTRANET

Inventor Name Search Result

Your Search was:

Last Name = CLAYPOOLE
First Name = RICHARD

Application#	Patent#	PG Pub#	Status	Date Filed	Title	Examiner Name	Inv Na
11415812	Not Issued		160	05/02/2006	Enhanced demand deposit accounts	,	CL RIC
11647034	Not Issued		71	12/28/2006	Enhanced demand deposit accounts	FIELDS,BENJAMIN	CL RIC
60676831	Not Issued		159	05/02/2005	Enhanced demand deposit accounts	,	CL RIC
12182891	Not Issued	20090037310	41	07/30/2008	Account With Easily Interchangeable Features	SEBROSKI,ANDREW	CL RIC

Inventor Search Completed: No Records to Display.

Search Another: Inventor **Last Name** CLAYPOOLE **First Name** RICHARD Search

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 04/22/2010

Applicant	: Do Hyun Kang	: DECISION ON REQUEST FOR
Patent Number	: 7626308	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/647,044	: 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 **209** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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PVF -- SUN MICROSYSTEMS INC.
C/O PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 04/21/2010

Applicant	: Robert J. Drost	: DECISION ON REQUEST FOR
Patent Number	: 7616926	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/647,060	: 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 **490** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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PERKINS COIE LLP (BOEING)
P.O. BOX 1247
PATENT - SEA
SEATTLE, WA 98111-1247

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OCT 07 2009

OFFICE OF PETITIONS

In re Application of :
Michael S. LEWIS, et *al.* :
Application No. 11/647,063 : DECISION GRANTING PETITION
Filed: December 27, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **030048230US** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 29, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 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]

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.134, the signature of Mr. John M. Wechkin appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Wechkin desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted.

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

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.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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ONE AT&T WAY
BEDMINSTER NJ 07921

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JUL 22 2008

In re Application of	:	
Gilbert et al.	:	
Application No. 11/647,085	:	ON PETITION
Filed: December 28, 2006	:	
Attorney Docket No. 2001-0197A CON	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 27, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue fee, (2) the petition fee, and (3) a proper statement of unintentional delay.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

cc:

CANAVAN & MONKA LLC
62 GROVE STREET
SOMERVILLE, NJ 08876

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VINCENT L. CARNEY LAW OFFICE
P.O. BOX 80836
LINCOLN, NE 68501-0836

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OFFICE OF PETITIONS

In re Application of
David Paul Olsen
Application No. 11/647,098
Filed: December 28, 2006
Attorney Docket No. 951-1-1-1

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181 filed March 2, 2009, which is being treated as a petition under 37 CFR 1.8 to withdraw the holding of abandonment in the above-identified application.

The petition is GRANTED.

This application was held abandoned for failure to timely file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within two (2) months of the Notice of Appeal filed June 16, 2008. A Notice of Abandonment was mailed on February 18, 2009.

Petitioner states, "On August 12, 2008, applicant timely sent a brief on appeal with attachments A & B dated August 12, 2008, to the U.S. Patent Office with a transmittal form/certificate of mailing dated August 12, 2008, a fee transmittal form dated August 12, 2008, (Exhibit K), and a check for $255.00 to cover the fee for filing an appeal brief in response to the final Office action from the U.S. Patent Office dated January 14, 2008, as evidenced by the postcard receipt dated August 14, 2008 (Exhibit L). On February 22, 2009, applicant received a notice of abandonment from the U.S. Patent Office dated February 18, 2009, for failure to timely file a proper reply to the Office action mailed January 14, 2009 (Exhibit M)".

Petitioner has submitted a copy of the previously mailed correspondence, which included a Transmittal Form of the following papers: Fee Transmittal Form, Fee Attached, Appeal Communication to TC (Appeal Notice, Brief, Reply Brief), stamped self-addressed postcard receipt and a Check for $255. The Transmittal Form bears a certificate of mailing dated August 12, 2008, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
>
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
>
> (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of Appeal of June 16, 2008 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed on August 12, 2008.

This application is being referred to Technology Center Art Unit 3673 for appropriate action in the normal course of business on the reply received with petition.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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DEC 07 2009

Kenneth Leroy Driessen
12022 N. Co. Rd. T
Hayward, WI 45843

In re Application of Kenneth Driessen Application No. 11/647,104 Filed: December 29, 2006 For: ELECTRIC HORSE(TM): BATTERY POWERED ELECTRIC MOTOR BICYCLE DRIVE TRAIN	DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is in response to the communication filed August 6, 2009 which will be treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is **DISMISSED.**

BACKGROUND

- August 14, 2008 — Non-final Office action mailed
- September 3, 2008 — Response to non-final Office action received
- October 7, 2008 — Office communication indicating September 3, 2008 response not fully responsive to non-final action
- August 14, 2008 — Fully responsive reply to non-final Office action received
- January 2, 2009 — Final Office action mailed
- January 27, 2009 — 1st After final amendment received
- February 25, 2009 — 2nd After final amendment received
- May 18, 2009 — Communication regarding applicant's January 27, 2009 response
- May 28, 2009 — Advisory action in response to February 25, 2009 amendment
- July 20, 2009 — Notice of Abandonment

PETITION

The application was held abandoned in view of applicant's failure to file a proper reply to the Final Office action mailed January 2, 2009. Although a proposed reply was received February 25, 2009, it did not constitute a proper reply under 37 CFR 1.113(a) to the final

rejection. See the Notice of Abandonment mailed July 20, 2009 for what is considered a proper reply under 37 CFR 1.113 to a final rejection. In the August 6, 2009 communication, applicant asserts that he did not abandon his patent. Applicant argues that the examiner did not provide a prima facie case of anticipation with regards to the Miyazawa patent. Applicant also contends his rights to a patent has been denied, and that his patent application should have been amended by the examiner, per MPEP 707.07(j), rather than rejected.

RELEVANT PASSAGES OF MPEP

707.07(j) [R-5] State When Claims Are Allowable

I. INVENTOR FILED APPLICATIONS

When, during the examination of a pro se application it becomes apparent to the examiner that there is patentable subject matter disclosed in the application, the examiner should draft one or more claims for the applicant and indicate in his or her action that such claims would be allowed if incorporated in the application by amendment. This practice will expedite prosecution and offer a service to individual inventors not represented by a registered patent attorney or agent. Although this practice may be desirable and is permissible in any case deemed appropriate by the examiner, it will be expected to be applied in all cases where it is apparent that the applicant is unfamiliar with the proper preparation and prosecution of patent applications.

MPEP 1202 Introduction

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<. However, since 37 CFR 1.181(f) states that any petition not filed within 2 months from the action complained of may be dismissed as

untimely and since 37 CFR 1.144 states that petitions from restriction requirements must be filed no later than appeal, petitionable matters will rarely be present in a case by the time it is before the Board for a decision. In re Watkinson, 900 F.2d 230, 14 USPQ2d 1407 (Fed. Cir. 1990).

DISCUSSION

In the non-final office action, the examiner rejected the sole claim 1 as being anticipated by Miyazawa. Applicant argues that "the Miyazawa 5845727 patent does not contain such components" as, inter alia, a bevel pinion gear set and a Shimano disk break system "in word, drawing or function." Since the differences of opinion concern the denial of patent claims because of prior art, the question thereby raised is said to relate to the merits, and the appeal procedure within the Office is the proper avenue for the applicant.

As concerns applicant's assertion that the "application should have been amended by the examiner rather than rejected", it is appropriate for an examiner to amend the claims for a pro se applicant when it becomes apparent to the examiner that **there is patentable subject matter disclosed in the application**. In light of the two-paragraph detailed description of the invention, it is not apparent to the examiner that there is patentable subject matter disclosed in the application. Accordingly, the examiner did not err in not amending the claims per MPEP 707.07(j).

Since applicant did not timely file a proper reply to the final Office action dated January 2, 2009, the application was properly held to be abandoned. Since the petition to withdraw the holding of abandonment will not be granted, applicant may wish to consider filing a petition to revive under 37 CFR 1.137(a) (unavoidable delay) or 37 CFR 1.137(b) (unintentional delay) as discussed below.

I. Unavoidable Delay.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by: **(1)** the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute; **(2)** the petition fee required by 37 CFR 1.17(l); and **(3)** an adequate showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable.

The showing requirement can be met by submission of statements of fact establishing that the delay in filing the reply was unavoidable. This includes a satisfactory showing that the cause of the delay resulting in failure to reply in a timely fashion to the Office action was unavoidable. Diligence during the time period between abandonment and filing of the petition to revive must also be shown.

As an alternative to filing a petition for unavoidable abandonment, a petition for revival of an application abandoned unintentionally under 37 CFR 1.137(b) might be appropriate.

II. Unintentional Delay.

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), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute; (**2**) the petition fee required by 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 37 CFR 1.137(b) was unintentional.

The petition fee required by law for filing a petition under unavoidable standard is $540. The fee for a petition under the unintentional standard is $1620. As a "small entity", applicant's fee will be one-half of the amount indicated.

If not previously filed, the reply to the outstanding Office action must accompany the petition to revive.

The required items should be promptly submitted under a cover letter entitled "Petition to Revive".

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(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.181."

Any inquiry regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045

Fredrick Schmidt, Director
Patent Technology Center 3600
(571) 272-5150

FS/tl: 11/27/09

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SAP AG c/o BUCKLEY, MASCHOFF & TALWALKAR LLC
50 LOCUST AVENUE
NEW CANAAN, CT 06840

Mail Date: 04/21/2010

Applicant	: Eyal Sinai	: DECISION ON REQUEST FOR
Patent Number	: 7650571	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/647,121	: 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 **427** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 04/21/2010

Applicant	: Jung-Woo Park	: DECISION ON REQUEST FOR
Patent Number	: 7579702	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/647,124	: 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 **384** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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AMGEN INC.
LAW DEPARTMENT
1201 AMGEN COURT WEST
SEATTLE, WA 98119

Mail Date: 04/21/2010

Applicant	: Hui Tian	: DECISION ON REQUEST FOR
Patent Number	: 7662376	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/647,126	: 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 **452** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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VERIZON
PATENT MANAGEMENT GROUP
1515 N. COURTHOUSE ROAD
SUITE 500
ARLINGTON, VA 22201-2909

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OFFICE OF PETITIONS

In re Application of :
Michael Marcellin :
Application No. 11/647,152 : ON PETITION
Filed: December 29, 2006 :
Attorney Docket No. 20060156 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 18, 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 1, 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 2, 2007.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 05/11/2010

Applicant	: Shih-Nan Yen	: DECISION ON REQUEST FOR
Patent Number	: 7615773	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/647,170	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **105** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BACON & THOMAS, PLLC
625 SLATERS LANE
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ALEXANDRIA, VA 22314-1176

Mail Date: 07/01/2010

Applicant	: Stefan Simon Gustaaf Moriau	: DECISION ON REQUEST FOR
Patent Number	: 7634887	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/647,197	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Yoshio Suzuki	: DECISION ON REQUEST FOR
Patent Number	: 7593974	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/647,201	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Date Mailed: April 15, 2008

SJM/AFD-WILEY
14901 DEVEAU PLACE
MINNETONKA MN 55345-2126

Applicant: Cumming et al.
Appl. No.: 11/647,313
Filing Date: December 29, 2006
Title: STEERABLE CATHETER USING FLAT PULL WIRES AND METHOD OF MAKING SAME
Attorney Docket No.: 0B-049301US/82410-0140
Pub. No.: US 2007/0299424 A1
Pub. Date: December 27, 2007

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on April 14, 2008, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission.

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

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Adjustment date: 04/16/2008  KKING1
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04/16/2008            0030054120
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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

MAR 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Dae Young Kim	:	
Application No. 11/647,328	:	DECISION GRANTING PETITION
Filed: December 29, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 00939B-146200US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 23, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 17, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2894 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

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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.*

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Mail Date: 04/27/2010

Applicant	: Kensaku Yamamoto	: DECISION ON REQUEST FOR
Patent Number	: 7644097	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/647,380	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **377** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Kwang Myoung Rho	: DECISION ON REQUEST FOR
Patent Number	: 7579846	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/647,390	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

KIOMARS ANVARI
1567 SERAFIX RD
ALAMO CA 94507

In re Application of:
Kiomar Anvari
Serial No.: 11/647,497
Filed: December 29, 2006

Title: **EQUALIZER FILTER WITH DYNAMICALLY CONFIGURABLE CODE DOMAIN FILTER**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on December 29, 2006 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application was not filed electronically using the USPTO's electronic filing system (EFS) as set forth in condition 2. above.

For the above-stated reason, the petition is denied. After the application is considered complete by the Office of Initial Patent Examination (OIPE), it will be taken up by the examiner for action in its regular turn.

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Nagayama Kazuyoshi	: DECISION ON REQUEST FOR
Patent Number	: 7656488	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/647,500	: 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 **435** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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LEXICON PHARMACEUTICALS, INC.
8800 TECHNOLOGY FOREST PLACE
THE WOODLANDS TX 77381-1160

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OFFICE OF PETITIONS

In re Application of	:	
Burgoon et al.	:	
Application No. 11/647,517	:	DECISION ON PETITION
Filed: December 28, 2006	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. LEX-1004-USNP	:	

This is a decision on the petition, filed May 26, 2009, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant non-provisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on October 24, 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. Although petitioner did submit a Rescission of Non-Publication Request on November 3, 2008, petitioner failed to provide a notice of foreign filing.

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) was rescinded November 12, 2008. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of February 19, 2009 was previously mailed on November 12, 2008.

This application is being forwarded to Technology Center Art Unit 1624 for examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

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DEC 26 2007
OFFICE OF PETITIONS

In re Application of	:
Richard O. Warther	:
Application No. 11/647519	: DECISION ON PETITION
Filing or 371(c) Date: 12/28/2006	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 7842-1U24	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 28, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy items (1) above.

As to item (1), the reference to add the above-noted, prior-filed application in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by

reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition; an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)), to correct the above matters, 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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ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

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OFFICE OF PETITIONS

In re Application of	:
Richard O. Warther	:
Application No. 11/647519	: DECISION ON PETITION
Filing or 371(c) Date: 12/28/2006	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 7842-1U24	:

This is a decision on the Renewed Petition under 37 CFR 1.78(a)(3), filed February 5, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy items (1) above.

The amendment is not acceptable as drafted since copendency does not exist between the above-identified application, filed December 28, 2006, and application nos. 09/595,825, and 09/532,113, for which the benefit is sought. Application No. 09/595,825, filed June 16, 2000, became abandoned on October 24, 2002, for failing to timely and properly reply to the final Office action, mailed April 23, 2002. Application No. 09/532,113, filed June 16, 2000, issued as

U.S. Patent No. 6,769,718 on August 3, 2004. The above-identified application was filed on December 28, 2006. 35 U.S.C. § 120 permits a continuing application to claim the benefit of the filing date of a copending, previously filed, parent application provided there is inventorship overlap between the continuing application and the parent application. Here, the applications for which the benefit is sought, 09/595,825, and 09/532,113, issued as a patent more than two years (09/532,113), or became abandoned more than four years (09/595,825), before the present application was filed. As such, there is no copendency between the applications.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) an Application Data Sheet or a substitute amendment (complying with 35 U.S.C. 120; 37 CFR 1.121 or 37 CFR 1.76(b)(5)), which states the relationship of the prior-filed application(s) to this application, are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Director for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Attorney Derek Woods at (571) 272-3232.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS, TX 75201-4761

Mail Date: 04/21/2010

Applicant	: Munish Agarwal	: DECISION ON REQUEST FOR
Patent Number	: 7627705	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/647,524	: 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 **215** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-5306

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OFFICE OF PETITIONS

In re Application of	:
Boyer, et al.	: DECISION REFUSING STATUS
Application No. 11/647,526	: UNDER 37 CFR 1.47(a)
Filed: December 28, 2006	:
Atty. Dkt. No.: 035451-0277	:
(4154.Palm.US	:
For: PORTABLE WIRELESS NETWORK	:

This decision is in response to the petition under 37 CFR 1.47(a) filed May 8, 2007.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Petitioners are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed December 28, 2006 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed February 6, 2007. The Notice required a surcharge and an executed oath or declaration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition fails to satisfy requirements (2) and (4) set forth above.

As to item (2), an acceptable oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been

presented. The declaration presented is unacceptable for the following reasons: the declaration contains non-initial changes (see, 37 CFR 1.52(c)) and the declaration fails to identify the legal representative of the deceased inventor in accordance with 37 CFR 1.42 and 1.63.

Any renewed petition should be accompanied by a proper oath or declaration executed by all available inventors in accordance with 37 CFR 1.42 and 1.63.

The petition fails to satisfy requirement (4) set forth above in that the last known address of the legal representative of the deceased inventor has not been provided to the Office. See, MPEP 409.03(c) and 409.03(e).

An application filed pursuant to 37 CFR 1.47 must state the last known address of the legal representative of the deceased inventor. That address should be the last known address at which the legal representative customarily receives mail. Ordinarily, the last known address will be the last known residence of the legal representative. Inasmuch as a legal representative is notified that an application pursuant to 37 CFR 1.47 has been filed, other addresses at which the legal representative may be reached should also be given. Each applicant's mailing or post office address is required to be supplied on the oath or declaration, if not stated in an application data sheet. Applicant's mailing address means that address at which he or she customarily receives his or her mail. Either applicant's home or business address is acceptable as the mailing address. The mailing address should include the ZIP Code designation. The object of requiring each applicant's mailing address is to enable the Office to communicate directly with the applicant if desired; hence, the address of the attorney with instruction to send communications to applicant in care of the attorney is not sufficient.. *See* MPEP §§ 409.03(e) and 605.03.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand:	U.S. U.S. Patent and Trademark Office Customer Service Window Mail Stop Petition Randolph Building

401 Dulaney Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Nagayama Kazuyoshi	: DECISION ON REQUEST FOR
Patent Number	: 7667809	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/647,535	: 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 **377** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Judson K. Champlin
WESTMAN, CHAMPLIN & KELLY, P.A.
Suite 1400
900 Second Avenue South
Minneapolis, MN 55402-3319

Mail Date: 04/21/2010

Applicant	: Chuanxiang Tang	: DECISION ON REQUEST FOR
Patent Number	: 7645994	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/647,543	: 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 **261** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Paper No.

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LIONE/INFINEON
INFINEON
PO BOX 10395
CHICAGO IL 60610

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OFFICE OF PETITIONS

Patent No. 7,495,306	:	LETTER REGARDING
Issue Date: February 24, 2009	:	PATENT TERM ADJUSTMENT
Application No. 11/647,550	:	AND
Filed: December 28, 2006	:	NOTICE OF INTENT TO ISSUE
Atty Docket No. 10808/389	:	CERTIFICATE OF CORRECTION
(IN1387WOUS)	:	

This letter is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT" filed April 7, 2009. Pursuant to patentees' duty of good faith and candor to the Office, patentees disclose that the patent term adjustment indicated on the Issue Notification as 73 days may extend the term of the patent by too many days.

The request for review of patent term adjustment indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **thirty-one (31)** days.

Patentee is given THIRTY (30) DAYS or ONE (1) MONTH, whichever is longer, from the mail date of this decision to respond to this decision. No extensions of time will be granted under § 1.136.

On February 24, 2009, this application matured into U.S. Patent No. 7,495,306, with a revised patent term adjustment of 73 days.

Patentees give no basis for their assertion that the patent term adjustment is incorrect.

Nonetheless, a review of the application history confirms that patentees are correct that the patent term adjustment of 73 indicated on the patent is incorrect. A period of reduction pursuant to 37 CFR § 1.704(c)(10) of 43 days, not 1 day, should have been entered for the filing of a certified copy of a priority document. After the mailing of the notice of allowance on October 7, 2008, on October 20, 2008, patentees filed a certified copy of a priority document. On February 9, 2009, the Office responded with the mailing of an acknowledgment of priority document. The period of reduction for this filing is 43 days, counting the number of days in the period beginning on October 20, 2008, the date of filing of the priority document and ending on February 9, 2009, the date of mailing of the Office notice in response. Instead, a period of reduction of 1 day was entered for the filing of a request for foreign priority on January 23, 2009. However, the record does not reveal that any such paper was filed on January 23, 2009. Thus, the period of reduction of 1 day is unwarranted. Accordingly, the period of reduction of 1 day is being removed and a period of reduction of 43 days is being entered.

In view thereof, the patent should have issued with a revised patent term adjustment of THIRTY-ONE (31) days (74 days of Office delay reduced by 43 days of applicant delay).

As this letter was submitted to advise the Office of an error in patentee's favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e). The Office thanks patentee for their good faith and candor in bringing this to the attention of the Office.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by THIRTY-ONE **(31)** days.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction.

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,495,306

DATED : **February 24, 2009** **DRAFT**

INVENTOR(S) : Langguth et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 73 days

Delete the phrase "by 73 days" and insert – by 31 days--

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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KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly VA 20153-1200

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MAY 11 2007

OFFICE OF PETITIONS

In re Application of
Oh et al.
Application No. 11/647,553
Filed: December 29, 2006
Attorney Docket No. IK-0159

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition filed March 29, 2007 under 37 CFR. §1.47(a).

The petition under 37 CFR. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on December 29, 2006, without an executed oath or declaration. Accordingly, on January 29, 2007, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision an executed oath or declaration in compliance with §1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of March 29, 2007.

In reply, applicant filed a petition, the surcharge for late filing of the declaration, and a partially executed declaration. The current petition fee is $200.00. Pursuant to petitioner's request deposit account 16-0607 will be charged the $70.00 difference.

A grantable petition under 37 CFR. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the

petition fee; and (4) a statement of the last known address of the non-signing inventor. The instant petition does not satisfy requirements (1).

As to item (1), where an inventor cannot be located/reached as in the case of inventor Lee, rule 47 applicant must demonstrate diligent effort was made to find or reach the non-signing inventor. See MPEP 409.03(d). Petitioner sent correspondence to the last known address where it was determined by non-signing inventor's sister that inventor no longer lived at the last known address. However, once it was determined that petitioner no longer resided at the last known address, no evidence has been provided of "diligent effort " to locate the inventor. The evidence presented is not sufficient to establish "diligent effort" was made to locate the non-signing inventor. Copies of documentary evidence such as internet searches, review of national registry and local phone books, 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 a statement of facts. Petitioner should present a signed statement of facts from a person that has first hand knowledge of the diligent efforts made to locate the non-signing inventor.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly VA 20153-1200

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AUG 20 2007

OFFICE OF PETITIONS

In re Application of
Sang Jin Oh, Seung Mok Oh, Joon Kyu Park,
Hye Jin Lee, Ji Hyun Kim, Soon Kook Hong
and Young Sun You
Application No.11/647,553
Filed: December 29, 2006
Attorney Docket Number: IK-0159
Title of Invention: FLEXIBLE MOLD FOR FLAT
DISPLAY PANEL AND METHOD OF
MANUFACTURING THE SAME

DECISION GRANTING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 11, 2007.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor Lee can not be reached or located and diligent effort has been used to locate the inventor. The efforts outlined by petitioner demonstrate diligent effort was used to attempt to locate non-signing inventor.
The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the *Official Gazette*.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Hye Jin Lee
34-1409 Nasman Town Apt
Sindang 3-dong, Jung-gu
Seoul City 100-450
Republic of Korea

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AUG 20 2007

OFFICE OF PETITIONS

In re Application of
Sang Jin Oh, Seung Mok Oh, Joon Kyu Park,
Hye Jin Lee, Ji Hyun Kim, Soon Kook Hong
and Young Sun You
Application No.11/647,553
Filed: December 29, 2006
Attorney Docket Number: IK-0159
Title of Invention: FLEXIBLE MOLD FOR FLAT
DISPLAY PANEL AND METHOD OF
MANUFACTURING THE SAME

: LETTER

Dear Mr. Lee:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. § 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly VA 20153-1200
ATTN: Daniel Y.J. Kim

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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IPSOLON LLP
111 SW COLUMBIA
SUITE 710
PORTLAND, OR 97201

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MAR 20 2008

OFFICE OF PETITIONS

In re Application of	:	
William Dieter	:	
Application No. 11/647,556	:	ON PETITION
Filed: December 27, 2006	:	
Attorney Docket No. 1381-004/JRD	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 24, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Requirements (Notice) mailed January 29, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 30, 2007.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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Darby & Darby
P.O. Box 770
Church Street Station
New York, NY 10008-0770

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AUG 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
David J. Liu et al.	:	
Application No. 11/647,565	:	DECISION ON PETITION
Filed: December 29, 2006	:	TO WITHDRAW
Attorney Docket No. 21058/0206521-US0	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 10, 2009.

The request is **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 attorneys associated with customer number 75172 were never appointed to have power of attorney 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 the undersigned at 571-272- 6735.

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Client 21058
c/o Darby & Darby P.C.
P.O. Box 770
Church Street Station
New York, NY 10008-0770

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OFFICE OF PETITIONS

In re Application of
David J. Liu et al.
Application No. 11/647,565
Filed: December 29, 2006
Attorney Docket No. 21058/0206521-US0

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 3, 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 Darby & Darby has been revoked by the assignee of the patent application on September 7, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below listed 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: Pillsbury Winthrop Shaw Pittman LLP
P.O. Box 10500
McLean, VA 22102

UNITED STATES PATENT AND TRADEMARK OFFICE

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Client 21058
c/o DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK NY 10008-0770

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AUG 2 6 2009

OFFICE OF PETITIONS

In re Application of	:	
Xing Su et al.	:	
Application No. 11/647,566	:	DECISION ON PETITION
Filed: December 29, 2006	:	TO WITHDRAW
Attorney Docket No. 21058/0206520-US0	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 10, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Marie Collazo on behalf of all attorneys/agents associated with customer number 75172. All attorneys/agents associated with customer number 75172 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: Intel Corporation
2200 Mission College Boulevard
Santa Clara, CA 95054

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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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/647,566	12/29/2006	Xing Su	21058/0206520-US0

CONFIRMATION NO. 9330

POWER OF ATTORNEY NOTICE

OC000000037519720

75172
Client 21058
c/o DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK, NY 10008-0770

Date Mailed: 08/26/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/10/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

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JUN 2 0 2007

OFFICE OF PETITIONS

In re Application of	:	
THONG, Jm V. et al.	:	
Application No. 11/647,567	:	DECISION ON PETITION
Filed: December 29, 2006	:	TO WITHDRAW
Attorney Docket No. **070702011400**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 23, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Peter J. Davis on behalf of all attorneys of record who are associated with customer No. 25227. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **JM V. THONG**
6 CHEVIOT ROAD
ARLINGTON, MA 02474

cc: **DARBY & DARBY P.C.**
1500 K. STREET, N.W.
SUITE 250
WASHINGTON, D.C. 20005-1747

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
11/647,567	12/29/2006	Jm Van Thong	070702011400

CONFIRMATION NO. 9329

OC000000024385775

Morrison & Foerster LLP
Attn: Raj S. Dave
Suite 300
1650 Tysons Blvd.
McLean, VA 22102

Date Mailed: 06/15/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/23/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Michelle R. Eason

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

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APR 2 7 2007

OFFICE OF PETITIONS

In re Application of	:	
Schlingensiepen et al.	:	
Application No. 11/647586	:	
Filing or 371(c) Date: 12/29/2006	:	
Attorney Docket Number:	:	DECISION
P60055US2	:	ON PETITION

This is a decision on the "Petition For a Filing Date", filed February 20, 2007, requesting the above-identified application be accorded a filing date of December 29, 2006.

The petition is granted.

The application was filed on December 29, 2006. On January 17, 2006, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition and avers that eight (8) sheets of drawings were filed in the application on December 29, 2006. In support of this assertion, Applicant files a copy of his return-receipt postcard acknowledging receipt of eight (8) sheets of drawings by this Office on December 29, 2006.

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted.

In view of the above, the Notice mailed January 17, 2006, was mailed in error and is hereby withdrawn.

No petition fee has been charged and none is due.

The copy of eight (8) sheets of drawings, filed with the instant petition, will be used for examination purposes.

This application is being forwarded to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of December 29, 2006, and an indication that eight (8) sheets of drawings were present on December 29, 2006, using the eight (8) sheets of drawings filed with the present petition on February 20, 2007.

Telephone inquiries concerning this matter should be directed to the undersigned at (571-272-3232.

Derek L. Woods
Attorney
Office of Petitions

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United States Patent and Trademark Office
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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 05/19/2010

Applicant	: Georg-Ferdinand Schlingensiepen	: DECISION ON REQUEST FOR
Patent Number	: 7667027	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/647,586	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **103** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

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APR 09 2007

OFFICE OF PETITIONS

In re Application of	:	
Hur et al.	:	
Application No. 11/647,617	:	DECISION DISMISSING PETITION
Filed: 12/28/2006	:	AS MOOT
Atty Dckt No. 51876P1157	:	

This is a decision on the petition, styled under 37 CFR 1.10(c), filed on 23 January, 2007, requesting that the above-identified application be accorded a filing date of 28 December, 2006.

A review of the Office PALM records reveals that this application was previously accorded a filing date of 28 December, 2006.

As the application has been accorded a filing date of 28 December, 2006, the present petition is unnecessary and will be dismissed as involving a moot issue.

As a review of the record indicates that a Filing Receipt reflecting the correct filing date was mailed on 30 January, 2007, no corrected filing receipt is necessary.

No petition fee is due and none has been charged.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES CA 90025-1030

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MAY 10 2007

OFFICE OF PETITIONS

In re Application of :
Mannava, et al. :
Application No. 11/647,618 : ON PETITION
Filed: December 29, 2006 :
Attorney Docket No. 42P23219 :
For: SYSTEM AND METHOD FOR A 3-HOP CACHE COHERENCY PROTOCOL

This is in response to the petition under 37 CFR 1.47(a), filed April 10, 2007 (certificate of mailing date April 5, 2007).

The petition is **GRANTED.**

Petitioners have shown that the non-signing inventor, Brannon Batson, has expressly refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the exhibits to the declaration of facts of Brian K. Lambert establish that Mr. Batson received a copy of the application and declaration, *inter alia*, on March 22, 2007 and that Mr. Batson refused to sign the declaration in an email sent to CarlaVignola on April 3, 2007. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After the mailing of this decision, the application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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BRANNON BATSON
36 CLARK STREET #4A
BROOKLYN, NY 11201

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MAY 10 2007

OFFICE OF PETITIONS

In re Application of :
Mannava, et al. :
Application No. 11/647,618 : LETTER
Filed: December 29, 2006 :
Attorney Docket No. 42P23219 :
For: SYSTEM AND METHOD FOR A 3-HOP CACHE COHERENCY PROTOCOL

Dear Mr. Batson:

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.

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).

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: INTEL/BLAKELY
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES CA 90025-1030

UNITED STATES PATENT AND TRADEMARK OFFICE

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K & L GATES LLP
Four Embarcadero Center
Suite 1200
SAN FRANCISCO, CA 94111

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of
Kuo-Chun Hsu
Application No.: 11/647,626
Filed: December 28, 2006
Attorney Docket No.: TSMC2006-0342

ON PETITION

This is a decision on the petition, filed March 24, 2009, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 27, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2817 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

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OFFICE OF PETITIONS

In re Application of	:	
Ku et al.	:	
Application No. 11/647,633	:	ON PETITION
Filed: December 28, 2006	:	
Attorney Docket No. 51876P1174	:	

This is a decision on the petition filed January 22, 2007, requesting that the above-identified application be accorded a filing date of December 28, 2006, rather than November 28, 2006, as reflected on the USPTO postcard receipt. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner requests the later filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on December 28, 2006, pursuant to 37 CFR 1.10. In support, petitioner has submitted a copy of Express Mail label No. EV889765548US, showing a handwritten "date-in" of "12-28-06." The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal." Additionally, petitioner has submitted a copy of the postcard receipt with a USPTO assigned filing date of December 28, 2006.

To further substantiate petitioner's allegation that the application papers for this file were deposited on the requested filing date, an independent search was made of the USPS Express Mail Track and Confirm records which resulted in a finding that the package in question was in fact accepted on December 28, 2006 at 9:07 p.m. at the Los Angeles, CA USPS.

In view of the above evidence, it is concluded that the application was deposited as "Express Mail" with the USPS on December 28, 2006.

The petition is **GRANTED**.

USPTO records reflect the December 28, 2006 filing date. A Filing Receipt was mailed on February 2, 2007.

A petition under 37 CFR 1.10(c) does not require a petition fee and none has been charged.

This matter is being referred to Technology Center 2800 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3206. All other inquiries should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

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SUNNYVALE CA 94085-4040

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OFFICE OF PETITIONS

In re Application of	:	
Oh, Jung-II	:	
Application No. 11/647,634	:	ON PETITION
Filed: December 28, 2006	:	
Attorney Docket No. 51876P1193	:	

This is a decision on the petition filed January 22, 2007, requesting that the above-identified application be accorded a filing date of December 28, 2006, rather than November 28, 2006, as reflected on the USPTO postcard receipt. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner requests the later filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on December 28, 2006, pursuant to 37 CFR 1.10. In support, petitioner has submitted a copy of Express Mail label No. EV889765605US, showing a handwritten "date-in" of "12-28-06." The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal." Additionally, petitioner has submitted a copy of the postcard receipt with a USPTO assigned filing date of December 28, 2006.

To further substantiate petitioner's allegation that the application papers for this file were deposited on the requested filing date, an independent search was made of the USPS Express Mail Track and Confirm records which resulted in a finding that the package in question was in fact accepted on December 28, 2006 at 9:06 p.m. at the Los Angeles, CA USPS.

In view of the above evidence, it is concluded that the application was deposited as "Express Mail" with the USPS on December 28, 2006.

The petition is **GRANTED**.

USPTO records reflect the December 28, 2006 filing date. A Filing Receipt was mailed on January 31, 2007.

A petition under 37 CFR 1.10(c) does not require a petition fee and none has been charged.

This matter is being referred to Technology Center 2800 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3206. All other inquiries should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Oh, John-Hwan :
Application No. 11/647,636 : ON PETITION
Filed: December 28, 2006 :
Attorney Docket No. 7736.P028 :

This is a decision on the petition filed January 25, 2007, requesting that the above-identified application be accorded a filing date of December 28, 2006, rather than November 28, 2006, as reflected on the USPTO postcard receipt. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner requests the later filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on December 28, 2006, pursuant to 37 CFR 1.10. In support, petitioner has submitted a copy of Express Mail label No. EV889765534US, showing a handwritten "date-in" of "12-28-06." The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal." Additionally, petitioner has submitted a copy of the postcard receipt with a USPTO assigned filing date of December 28, 2006.

To further substantiate petitioner's allegation that the application papers for this file were deposited on the requested filing date, an independent search was made of the USPS Express Mail Track and Confirm records which resulted in a finding that the package in question was in fact accepted on December 28, 2006 at 9:09 p.m. at the Los Angeles, CA USPS.

In view of the above evidence, it is concluded that the application was deposited as "Express Mail" with the USPS on December 28, 2006.

The petition is **GRANTED**.

USPTO records reflect the December 28, 2006 filing date. A Filing Receipt was mailed on January 31, 2007.

A petition under 37 CFR 1.10(c) does not require a petition fee and none has been charged.

This matter is being referred to Technology Center 2600 for examination in due course.

Telephone inquiries concerning this matter may be directed Petitions Examiner Liana Walsh at (571) 272-3206. All other inquiries should be directed to the Technology Center.

Frances Hicks
Petitions Examiner
Office of Petitions

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H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

Mail Date: 04/20/2010

Applicant	: Jong-hwan Oh	: DECISION ON REQUEST FOR
Patent Number	: 7660592	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/647,636	: 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 **614** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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12 JUN 2009

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MG-IP LAW, PLLC
4000 Legato Road
Fairfax VA 22033

In re Application of YANG, K-Hae. U.S. Application No. 11/647,662 PCT No.: PCT/KR2005/001822 Int. Filing Date: 14 June 2005 Priority Date: 01 July 2004 Attorney Docket No.: WELL.P0124US For: AQUARIUM WHICH AIR CLEANING FUNCTION BY MICROORGANISM IS ADDED	:	DECISION

This decision is issued in response to applicant's "Petition to Convert a National Application Filed Under 35 U.S.C. 111(a) To an Application Filed Under 35 U.S.C. 371" filed 07 May 2009, which is being treated as a petition under 37 CFR 1.181. The initial papers filed 29 December 2006 were processed as a filing under 35 U.S.C. 111(a). For the reasons discussed below, the application will be converted to a national stage filing of PCT/KR2005/001822.

BACKGROUND

On 14 June 2005, applicant filed international application PCT/KR2005/001822 which claimed a priority date of 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 2007. 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 the present application. The application papers filed therewith included: a preliminary amendment; a fee transmittal sheet, which included an authorization to charge deposit account; an executed declaration; 10 pages of specification, 1 page of claims, and an abstract; and 1 drawing sheet. None of the papers referred to 35 U.S.C. 371 or "national stage." The application was processed as a filing under 35 U.S.C. 111(a).

On 07 May 2009, applicant filed "Petition to Convert a National Application Filed Under 35 U.S.C. 111(a) To an Application Filed Under 35 U.S.C. 371."

DISCUSSION

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:

> 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.

In the declaration filed 29 December 2006, the applicant clearly identifies in the declaration the specification to which it is directed by referring to international application PCT/KR2005/001822. This is a clear indication that the papers were filed under 35 U.S.C. 371. Therefore, the application papers filed 29 December 2006 should have been processed under 35 U.S.C. 371, not 35 U.S.C. 111. Accordingly, the filing receipt issued on this application, which did not indicate filing under 35 U.S.C. 371, was issued in error and is hereby vacated.

CONCLUSION

For the reasons above, the application will be converted from a 35 U.S.C. 111 filing to a national stage application under 35 U.S.C. 371.

This application is being forwarded to United States Designated/Elected Office for further processing and for review of the national stage papers submitted 29 December 2006 and, <u>if appropriate</u>, preparation and mailing of the Notification of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903) and Official Filing Receipt.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/647,673	12/29/2006	Steven Bowyer	MA100-003	3105

21567 7590 08/27/2008
WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

EXAMINER
ADDIE, RAYMOND W

ART UNIT	PAPER NUMBER
3671	

MAIL DATE	DELIVERY MODE
08/27/2008	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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AUG 26 2008

TECHNOLOGY CENTER 3600

WELLS ST. JOHNS P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

In re application of: Steven Bowyer		
Serial Number: 11/647,673	:	PETITION UNDER 37 CFR 1.181
FILED: 12/29/2006	:	FOR REMAILING OF CORRECTED OFFICE
DOCKET NO. MA 100-003	:	ACTION AND RE-STARTING OF
	:	THE PERIOD OF RESPONSE

FOR: ROAD SAFETY BARRIER

This is in response to the petition filed on December 31, 2007 for review of the withdrawal of claims 5-6 based upon these claims being directed to a non-elected invention, this petition is being viewed as a request for a complete office action and a re-starting of the period of response.

Applicant petitions for review of the withdrawal of claims 5-6 as being directed to a non-elected invention based upon election by original presentation of claims 1-4 which received an Office action on June 4, 2007.

The petition is **GRANTED**

On December 29, 2006 this application was filed with original claims 1-4 which were examined in the first Office action mailed June 4, 2007. Applicant filed a response on September 4, 2007 which added new dependent claims 5-16 including dependent claims 5 and 6 which depended from claim 1. In the Office action mailed November 14, 2007 the examiner withdrew claims 5-6 as being directed to an invention that was independent and distinct from the invention originally claimed and cited 37 CFR 1.142(b) and MPEP 821.03.

Applicant has argued that the withdrawal of claims 5-6 is improper because there has been no finding that claims 5-6 are drawn to a non-elected invention because no restriction requirement has been presented in the application. Applicant further states that since claims 5and 6 depend from claim 1 this makes it clear that they are directed towards the previously claimed invention.

Applicant has also argued that even if restriction is proper that the examiner must explain why there would be a serious burden if restriction is not required. Applicant points out that the examiner has failed to provide any explanation as to the serious burden that would exist if the restriction of claims 5 and 6 is not required.

Applicant has further argued that MPEP 802.02 provides that the examiner must show by appropriate explanation one of the following : (a) separate classification, (b) separate status in the art when they are classifiable together, or (c) a different field of search. Applicant points out that the examiner has failed to provide the proper explanation to provide the requisite showing.

A review of the paragraph 1 of the Office action mailed November 14, 2007 shows that the examiner did briefly set forth why claims 5 and 6 were felt to be independent or distinct. However, the examiner did fail to specifically set forth the exact basis for the restriction requirement which affects applicant's ability to properly reply to the Office action by requesting reconsideration of the restriction requirement. Therefore, because of this failure this petition is being treated as a request for a complete office action properly setting forth the details of the restriction requirement and the reasons why claims 5 and 6 were held to be independent and distinct from the originally claimed invention. If, after reviewing the forthcoming detailed restriction requirement, the applicant still feels it is in error, applicant may then request reconsideration from the examiner as set forth in 37 CFR 1.143 and then if needed file a petition under 37 CFR 1.144.

A decision on the merits of the restriction requirement is being held in abeyance until such time that the details of such are set forth by the examiner and the results of any request for reconsideration from the examiner as set forth in 37 CFR 1.143 and applicants petition under 37 CFR 1.144 is presented.

As a result, the Office action mailed on November 14, 2007 is hereby vacated and the application is being returned to the examiner for the issuance of a new Office action setting forth the details of the restriction requirement.

Any question concerning this decision should be referred to SPE Thomas B. Will at (540) 272-6998.

Donald Hajec
Director, Technology Center 3600
(571) 272-5150

Tw/sm: 8/20/08
SM

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David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
(Jones Day)
1 Becton Drive, MC 110
Franklin Lakes, NJ 07417-1880

Mail Date: 04/21/2010

Applicant	: Richard M. Ivey	: DECISION ON REQUEST FOR
Patent Number	: 7645613	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/647,688	: 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 **603** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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UNISYS CORPORATION
UNISYS WAY
MAIL STATION: E8-114
BLUE BELL, PA 19424

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OFFICE OF PETITIONS

In re Application of	:	
Mease et al.	:	
Application No. 11/647,694	:	DECISION ON PETITION
Filed: December 29, 2009	:	
Attorney Docket No. TN483.US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 22, 2009 to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before September 28, 2009, as required by the Notice of Allowance and Fee(s) Due mailed June 26, 2009. Accordingly, the application became abandoned on September 29, 2009. A Notice of Abandonment was mailed October 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571)272-6059.

This application is being referred to the Office of Data Management for processing into a patent.

Chris Bottorff
Petitions Examiner
Office of Petitions

cc: RICHARD J. GREGSON
TONSHIP LINE AND UNION MEETING ROADS
BLUE BELL, PA 19424

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KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON, DC 20007-5118

Mail Date: 04/21/2010

Applicant	: Thomas N. Horsky	: DECISION ON REQUEST FOR
Patent Number	: 7629590	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/647,714	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **101** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WILMINGTON, DE 19805

Mail Date: 04/20/2010

Applicant	: Rebecca L. Smith	: DECISION ON REQUEST FOR
Patent Number	: 7625627	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/647,735	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SAP AG c/o BUCKLEY, MASCHOFF & TALWALKAR LLC
50 LOCUST AVENUE
NEW CANAAN, CT 06840

Mail Date: 04/21/2010

Applicant	: Dmitry Kagan	: DECISION ON REQUEST FOR
Patent Number	: 7620856	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/647,778	: 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 **406** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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GREGORY SMITH & ASSOCIATES
3900 NEWPARK MALL ROAD, 3RD FLOOR
NEWARK CA 94560

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OFFICE OF PETITIONS

In re Application of

NATHAN, Melvin A.
Application No. 11/647,814
Filed: December 29, 2006
Attorney Docket No. 428-002U

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 December 29, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes birth certificate of inventor Melvin A. Nathan, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3632 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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MILES WAY COYNE, PLLC
2401 BRISTOL COURT S.W.
Olympia WA 98502

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OFFICE OF PETITIONS

In re Application of	:	
Schuetz	:	
Application No. 11/647,817	:	DECISION DISMISSING
Filed: December 29, 2006	:	PETITION
Attorney Docket No. 06-24	:	
For: NON-FIRING TRAINING RIFLE	:	

This is a decision on the petition, filed March 19, 2007 (certificate of mailing date March 16, 2007), requesting, in effect, withdrawal of the February 16, 2007 Notice of Omitted Item(s) in a Nonprovisional Application. The petition will be treated under 37 CFR 1.53(e).

The petition is **dismissed**.

The application was filed on December 29, 2006. On February 16, 2007, the Office of Initial Patent Examination mailed a " Notice of Omitted Item(s) in a Nonprovisional Application" (Notice) informing petitioner that Figures 14A and 14B appeared to have been omitted.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that the Office accord a December 29, 2006 filing date for Figures 14A and 14B on the basis that the allegedly omitted figures were received in the Patent and Trademark Office (PTO) on December 29, 2006. In support, the petition is accompanied by a declaration of the attorney of record who reviewed the application and attests to the fact that Figures 14A and 14B were present when it was Express Mailed to the Office.

The declaration by counsel submitted with the petition states without equivocation or doubt that he checked the assembled application papers to determine that the application included all figures..

The Office file is the official record of what was filed on December 29, 2006. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. In this regard, declarations by individuals involved in the preparation and mailing of the original application reciting their personal

recollection or belief of what was contained in the application that they reviewed and/or mailed are no more persuasive of what was actually mailed than the contents of the official record. Such declarations, as in this case, are usually made months after the actual events recited. In this case, the declaration filed on certificate of mailing date March 16, 2007 was made almost two (2) months after the application was actually mailed.

It is for this reason that the Office has established a practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice, which was long ago established and is well publicized, requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. See section 503, Manual Of Patent Examining Procedure (MPEP 503).

To reiterate, a properly itemized return postcard constitutes *prima facie* evidence that the items were filed on the date stamped thereon. However, a postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. MPEP 503.

Petitioner is urged to submit his date stamped itemized postcard receipt.

Petitioner argues that the fact the application was filed via Express Mail establishes that the missing figures were filed as of the date-in listed on the Express Mail receipt.

MPEP 513 states: Rule 10(e) applies only in those situations in which the correspondence at issue was lost *in toto* (i.e., the entire correspondence was not delivered to the Office). Where there is a dispute as to the contents of correspondence submitted to the Office (e.g., an applicant asserts that three sheets of drawings were submitted under 37 CFR 1.10 with an application, but the Office records indicate receipt of only two sheets of drawings with the application), an applicant may not rely upon the provisions of 37 CFR 1.10(e) to establish what document(s) and/or fee(s) were filed in the Office with such correspondence. Rather, where the records of the Office (e.g., the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in absence of convincing evidence (e.g., a postcard receipt under MPEP 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office.

Since Figures 14A and 14B were not among the papers filed on December 29, 2006, the application cannot be accorded a December 29, 2006 filing date with Figures 14A and 14B as part of the original disclosure of this application.

The petition is **DISMISSED**.

Petitioner filed a conditional petition with a petition fee of $130.00, requesting that the Office accord the application a filing date as of the date of submission of the figures. However, as explained in Section II of the February 16, 2007 Notice, a petition for later filing date involves payment of a $400.00 petition fee, submission of the missing items, and submission of a supplemental declaration covering the newly added items.

If petitioner desires the later filing date, petitioner should comply with Section II of the February 16, 2007 Notice.

Of course, applicant may submit Figures 14A and 14B in the form of an amendment (see 37 CFR 1.121) to the drawings in which case the examiner will determine whether or not the figures contain new matter as compared to the original specification filed on December 29, 2006.

The application is being returned to the Office of Initial Patent Examination for further processing. The sheet of drawings containing Figures 14A and 14B submitted with the instant petition will **not** be considered part of the original filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

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OFFICE OF PETITIONS

In re Application of	:	
Kim, et al.	:	
Application No. 11/647,872	:	DECISION GRANTING
Filed: December 29, 2006	:	PETITION
Attorney Docket No. 51876.P1149	:	

This is a decision on the petition under 37 CFR 1.10(c), filed January 22, 2007 (certificate of mailing date January 18, 2007), requesting that the above-identified application be accorded a filing date of December 28, 2006, rather than the presently accorded date of December 29, 2006.

Petitioners allege that the application was deposited in Express Mail Service on December 28, 2006. In support, the petition is accompanied by a copy of Express Mail receipt No. EV889765551US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of "12 28 06."

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label; MPEP 513. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on December 28, 2006.

In view of the above, the petition is **GRANTED**.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

This application file is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **December 28, 2006** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed the undersigned at (571) 272-3230. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: ERIC S. HYMAN
BLAKELY, SOKOLOFF, TAYLOOR & ZAFMAN
12400 WILSHIRE BLVD. 7TH FLOOR
LOS ANGELES, CA 90025-1026

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OFFICE OF PETITIONS

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of
Lock, et al.
Application No. 11/647,902
Filed: December 28, 2006
Attorney Docket No. 11884/497301
For: ERROR HANDLING FOR INTERMITTENTLY CONNECTED MOBILE APPLICATIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed August 13, 2009. The petition will be treated under 37 CFR 1.181, as a request that the Office withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

The petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

Petitioner asserts that the Office action dated November 25, 2008 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's 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).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the July 20, 2009 Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Deposit account no. 11-0600 will be refunded the $540.00 petition fee filed with the present petition.

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. Applicants may wish to consider filing a change of address 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.

As applicants have submitted an amendment in reply to the November 25, 2008 non-final Office action, it is unnecessary to re-mailing the Office action of November 25, 2008. The application will be referred to Technology Center 2162 for consideration of the amendment filed on August 13, 2009.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: ROBERT L. HAILS, JR.
KENYON & KENYON LLP
1500 K STREET, NW, SUITE 700
WASHINGTON, DC 20005-1257

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In re Application of RUBY ET AL.	:	
Appl. No.: 11/647,911	:	**DECISION ON PETITION**
Filed: December 30, 2006	:	*37 CFR 1.48(b)*
For: ATOMIC FORCE MICROSCOPE TIP ARRAYS AND METHOD OF MANUFACTURING THE SAME	:	JUN 1 2009

This decision is in response to the petition filed May 4, 2009. The petition seeks to correct inventorship pursuant to 37 CFR 1.148(b).

The petition having met all the requirements of 37 CFR 1.48(b) is granted.

The inventorship in the application has been changed by deleting **Randen Patterson** as an inventor in the patent application.

Hezron E. Williams
Supervisory Patent Examiner
Patent Examining Technology Center 2800

Joseph P. Kincart, Esq.
8153 Middle Fork Way
Jacksonville, FL 32256

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DILWORTH PAXSON LLP
1500 MARKET STREET
SUITE 3500 E
PHILADELPHIA PA 19102

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In re Application of	:	
Ruby, Brian	:	
Application No. 11/647,911	:	ON PETITION
Filed: December 30, 2006	:	
Attorney Docket No. 09-1541	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 7, 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 an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

As the Power of Attorney was only recently given to the petitioner, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 2856 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland, OH 44114-3108

Mail Date: 04/20/2010

Applicant	: Leonid Monassevitch	: DECISION ON REQUEST FOR
Patent Number	: 7635374	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/647,912	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **150** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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COOPER & DUNHAM, LLP
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NEW YORK NY 10036

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Yun :
Application No. 11/647,915 :
Filed: December 30, 2006 :
Attorney Docket No. 77193/JPW/YC :
For: AUTO-PRECHARGE SIGNAL GENERATING CIRCUIT

This decision is mailed in response to the correspondence filed on May 7, 2007 (certificate of mailing date May 3, 2007), which is being treated under 37 CFR 1.53(e) as a petition requesting withdrawal of the Notice to File Corrected Application Papers (Notice), mailed March 5, 2007, insofar as the Notice alleges Figure 1B was omitted from the application filed on December 30, 2006.

The petition under 37 CFR 1.53(e) is **DISMISSED**.

The application was filed on December 30, 2006. However, on March 5, 2007, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of December 30, 2006, but advising applicant that Figure 1b, as described in the specification, appeared to have been omitted. In addition, the Notice required application to file replacement drawings.

In response, on May 7, 2007(certificate of mailing date May 3, 2007), petitioner filed with present petition. Petitioner argues that Figure 1b was filed on December 30, 2006. In support, the petition is accompanied by a copy of applicant's itemized return postcard receipt showing 4 sheets of drawings were received in the Office on December 30, 2006.

The best evidence of what was filed on December 30, 2006 is applicant's postcard receipt. In this case, applicant's postcard receipt identifies 4 sheets of drawings as papers being filed on December 30, 2006. A review of the contents of the official file shows that 4 sheets of drawings were, in fact, filed on December 30, 2006, and are presently in the file. However, none of the 4 sheets of drawings contain a "Figure 1b." It is noted that page 2/4 and page 3/4 depict "Figure 2a."

Petitioner has not provided persuasive evidence that Figure 1b was present in the Office on December 30, 2006. Therefore, the petition is **dismissed**. The $400.00 petition fee is required and will not be refunded.

Applicant may add the omitted figure by way of amendment under 37 CFR 1.57, and without a petition. The issue of new matter is appropriately addressed by the Examiner. It is noted that petitioner has not filed a formal amendment requesting the addition of "Figure 1b" to the application.

Petitioner may wish to file a petition under 37 CFR 1.10 to correct the filing date of the above-identified application. The current official filing date for the application is December 30, 2006. The petition cites December 29, 2006 as the filing date.

After the mailing of this decision, the application will be returned to the Office of Initial Patent Examination for further processing with a filing date of December 30, 2006. The replacement drawings filed on May 7, 2007 (certificate of mailing date May 3, 2007) will be processed, **except** for the sheet of drawing containing Figure 1b. Figure 1b is not part of the originally filed application.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Yun	:	
Application No. 11/647,915	:	DECISION GRANTING
Filed: December 30, 2006	:	PETITION
Attorney Docket No. 1568/77193/JPW/YC	:	

This is a decision on the petition filed August 3, 2007, requesting that the above-identified application be accorded a filing date of December 29, 2006, rather than the presently accorded date of December 30, 2006. The petition is properly treated as a petition under 37 CFR 1.10(d).

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on December 29, 2006 pursuant to 37 CFR 1.10. While the copy of the Express Mail label receipt No. EV974445369 US bears a handwritten "date-in" of 12 30 06, it also includes a USPS receipt date stamp of DEC 29 2006. Petitioner is alleging that the date of mailing shown in the "date-in" is a U. S. Postal Service (USPS) error and the correct date of mailing pursuant to 37 CFR 1.10 is December 29, 2006. The same Express Mail label number also appears on the original application transmittal letter of record in the file. In addition, petitioner has provided a printout of the United States Postal Service Track/Confirm for the package associated with Express Mail label EV974445369US that shows the package was accepted by the USPS on December 29, 2006.

The evidence presented is convincing that the Express Mail package was entrusted to the USPS on December 29, 2006, as shown by the USPS stamped receipt date. Accordingly, this application is entitled to a filing date of December 29, 2006, and has been so accorded.

In view of the above, the petition is **GRANTED**.

This application file is being referred to the Office of Initial Patent Examination (OIPE) for **correction of the filing date to December 29, 2006 and for issuance of a corrected filing receipt**.

The $130.00 petition fee will be credited to deposit account no. 03-3125.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3230. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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PATENT ADMINISTRATOR
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1025 THOMAS JEFFERSON STREET NW
EAST LOBBY: SUITE 700
WASHINGTON DC 20007-5201

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OFFICE OF PETITIONS

In re Application of	:	
Krull, et al.	:	
Application No. 11/647,928	:	DECISION ON PETITION
Filed: December 29, 2006	:	
Attorney Docket No. 211843-00030	:	

This is a decision on the "PETITION UNDER 37 CFR 1.182", filed April 9, 2007, requesting that the above-identified application be accorded a filing date of December 29, 2006, with pages 3 and 5-7 of the specification as part of the original disclosure.

The petition is **DISMISSED**.

The instant application was filed on December 29, 2006. On February 1, 2007, the Office of Initial Patent Examination mailed a "Notice to File Corrected Application Papers". The Notice stated, *inter alia,* that the application had been accorded a filing date; however, pages 3 and 5-7 of the specification appeared to have been omitted. The Notice set a two month non-extendable period for reply[1] for applicants to: (1) contend the pages were present on filing, pay a $400 petition fee, and petition for that filing date, or (2) supply the missing pages, pay a $400 petition fee, and petition to accept the date of their

[1] The Notice set a two month extendable period for reply with respect to submitting a substitute specification and an abstract of the technical disclosure.

deposit as the filing date of the application. Alternatively, applicants could accept the application as deposited in the USPTO by either failing to file one of the two petitions above, or by filing an **amendment** under 37 CFR 1.57(a). Applicants were instructed that an amendment under 37 CFR 1.57(a) was appropriate if the application contained a priority claim under 37 CFR 1.55 or 37 CFR 1.78.

In response, applicants paid a $400 petition fee and filed the present "PETITION UNDER 37 CFR 1.182 on April 9, 2007. Accompanying the petition was a one month extension of time. Applicants argue that the application should be entitled to a filing date of December 29, 2006, with pages 3 and 5-7 of the specification as part of the original disclosure. Applicants state that the application should be entitled to the original filing date because: (1) Applicant's attorney personally sealed the Express Mail envelope and can attest that the missing pages were inside; and (2) the application is a continuation of application no. 10/519,700.

With respect to the first argument above, applicant's attestation is with regard to a routine event, and is not *prima facie* evidence that is more persuasive than the official file record. Furthermore, the fact that 33 pages of specification were listed on the application transmittal letter serves as nothing more than an intent to file 33 pages of specification.

With respect to the second argument above, the Manual of Patent Examining Procedure states:

> For applications filed on or after September 21, 2004, a claim under 35 U.S.C. 120 and 37 CFR 1.78 for benefit of a prior-filed nonprovisional application or international application designating the U.S. that was present on the filing date of the continuation or divisional application is considered an incorporation by reference of the prior-filed application as to inadvertently omitted material, subject to the conditions and requirements of 37 CFR 1.57(a). The purpose of 37 CFR 1.57(a) is to provide a safeguard for applicants when all or a portion of the specification and/or drawing(s) is (are) inadvertently omitted from an application.

The section goes on to state:

> If a continuation or divisional application as originally filed on or after September 21, 2004 does not include an explicit incorporation by reference statement and is

> entitled to a filing date despite the inadvertent omission of a portion of the prior application(s), applicant may be permitted to add the omitted material by way of an amendment under 37 CFR 1.57(a). [2]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

The application is being forwarded to the Office of Patent Application Processing (OPAP) for further processing with a filing date of December 29, 2006, using the application papers received in the Office on that date. Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Telephone inquiries specific to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

[2] MPEP 201.06(c).

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TECHNOLOGY CENTER 3600

KEITH B. WILLHELM, ATTORENY AT LAW
6266 DEL MONTE
HOUSTON, TX 77057

In re Application of
Lawrence C. Woods
Application No. 11/647,935
Filed: December 29, 2006
For: TAUP-P FILTERS FOR REMOVAL OF NOISE FROM SEISMIC DATA

PETITION TO ACCEPT COLOR DRAWINGS/PHOTOGRAPHS

This is a decision on applicant's petition under 37 CFR 1.184(A)(2) Filed December 29, 2006 to accept color drawings/photographs.

For the acceptance of color drawings in accordance with 37 CFR 1.184(A)(2), a petition is required which fulfills the following requirements:

(i) The appropriate fee set forth in 1.17(h),
(ii) three (3) sets of color drawings/photographs, and
(iii) amending the specification to contain the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings: "The file of this patent contains at least one drawing executed in color photography. Copies of this patent with color photographs will be provided by the Patent and Trademark Office upon request and payment of necessary fee."

Having met the requirements of 37 CFR 1.184(A)(2), the petition is **GRANTED**.

Any questions or comments with respect to the decision should be forwarded to Supervisory Patent Examiner, Jack Keith at the number listed below.

Jack Keith
Supervisory Patent Examiner
Art Unit 3663
(571) 272-6878

jwk: 4/16/08

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OFFICE OF PETITIONS

In re Application of Zahid Ahmed, Alan Bush, Herb Stiel, Shahi Suravarapu, and David Yee Application No. 11/647,973 Filed: December 29, 2006 Attorney Docket Number: 356821-991110 Title: OBJECT ORIENTED, SEMANTICALLY-RICH UNIVERSAL ITEM INFORMATION MODEL	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.47(A)

This is in response to the petition under 37 C.F.R. § 1.47(a)[1], filed September 6, 2007.

The petition pursuant to Rule § 1.47(a) is **DISMISSED**.

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1 A grantable petition under 37 C.F.R. § 1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130, if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of the non-signing inventors;
(4) proof that either:
a) a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application, or
b) the non-signing inventor cannot be found or reached after diligent effort, and a statement that these efforts were not successful, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

On December 29, 2006, the application was filed, identifying Zahid Ahmed, Alan Bush, Herb Stiel, Shahi Suravarapu, and David Yee as joint inventors. The application was deposited without an executed declaration. On February 6, 2007, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, requiring a fully executed oath or declaration and the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

With the present petition, Petitioner has included a declaration that has been signed by each of the joint inventors save Mr. Bush.

With this petition, Petitioner has met requirements (1) - (3) of Rule § 1.47(a). Regarding the petition fee, Petitioner has submitted a portion thereof. The remainder of which has been charged to Petitioner's Deposit Account, as authorized in the petition.

Regarding the fourth requirement of Rule § 1.47(a), Petitioner has set forth that Mr. Bush was "unreachable," however, Petitioner has further set forth "as set forth below[2], the non-signing inventor was provided with a copy of the patent application documents."

A petitioner cannot allege the address of a non-signing inventor is unknown, and then assert a refusal to sign. He can either claim the person cannot be located, whereby he does not have to establish the inventor received the application papers, or he can allege a refusal to sign.

- If Petitioner is alleging that the non-signing inventor is unreachable, Petitioner is required to establish that a diligent effort was made to locate the same. There is no indication that a search was performed for Mr. Bush. There is no indication that the Rule 47 applicant attempted to verify the address of the non-signing inventor or to determine his forwarding address, and to send <u>the complete application papers</u> to that address for consideration by the inventor.[3] Petitioner must provide a showing detailing the attempts that were made to obtain a forwarding address or to locate the non-signing inventor by means such as through E-

2 The petition has been reviewed by the undersigned, and the same has not located any further discussion of the submission of the patent application documents to the non-signing inventor. Perhaps there was an affidavit that Petitioner failed to include with this submission?
3 <u>See</u> MPEP 409.03(d).

mail, telephone, or the Internet. If it is then averred that such attempts failed, then applicant will have provided the necessary proof required under 37 C.F.R. § 1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details.

- If Petitioner is alleging a refusal to sign, he must to establish that a *bona fide* attempt was made to present a copy of the application papers to each non-signing inventor[4] (which would require a known address). Petitioner has not established a refusal, nor has Petitioner established that despite diligent effort, the inventor cannot be reached or located. A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. It is reasonable to require that the inventor be presented with 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[5].

Regarding the fifth requirement above, the declaration does not comply with 37 C.F.R. § 1.63, in that it contains a non-dated change by inventor Yee[6].

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C. § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[7], hand-delivery[8], or facsimile[9]. Registered

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4 See MPEP 409.03(d).
5 In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
6 MPEP 605.04(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.

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 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].

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

10 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
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 any further action(s) of Petitioner.

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OFFICE OF PETITIONS

In re Application of Zahid Ahmed, Alan Bush, Herb Stiel, Shahi Suravarapu, and David Yee Application No. 11/647,973 Filed: December 29, 2006 Attorney Docket Number: 356821-991110 Title: OBJECT ORIENTED, SEMANTICALLY-RICH UNIVERSAL ITEM INFORMATION MODEL	DECISION ON RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.47(A)

This is in response to the renewed petition under 37 C.F.R. § 1.47(a)[1], filed December 18, 2007.

This renewed petition pursuant to Rule § 1.47(a) is **DISMISSED**.

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1 A grantable petition under 37 C.F.R. § 1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130, if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of the non-signing inventors;
(4) proof that either:
a) a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application, or
b) the non-signing inventor cannot be found or reached after diligent effort, and a statement that these efforts were not successful, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

On December 29, 2006, the application was filed, identifying Zahid Ahmed, Alan Bush, Herb Stiel, Shahi Suravarapu, and David Yee as joint inventors. The application was deposited without an executed declaration. On February 6, 2007, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, requiring a fully executed oath or declaration and the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

An original petition was filed on September 6, 2007, and was dismissed via the mailing of a decision on November 14, 2007, for failure to meet requirements (4) and (5) of Rule § 1.47(a). The decision set forth, *in pertinent part*:

> Regarding the fourth requirement of Rule § 1.47(a)…
>
> If Petitioner is alleging a refusal to sign, he must to establish that a *bona fide* attempt was made to present a copy of the application papers to each non-signing inventor[2] (which would require a known address). Petitioner has not established a refusal, nor has Petitioner established that despite diligent effort, the inventor cannot be reached or located. A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. It is reasonable to require that the inventor be presented with 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[3].
>
> Regarding the fifth requirement above, the declaration does not comply with 37 C.F.R. § 1.63, in that it contains a non-dated change by inventor Yee[4].

With this renewed petition, Petitioner has submitted a declaration of facts, where the declarant has asserted that a letter was sent via Email to the non-signing inventor.

As in the original petition, Petitioner has set forth "as set forth below[5], the non-signing inventor was provided with a copy of the patent application documents."

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2 See MPEP 409.03(d).
3 In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
4 MPEP 605.04(a).
5 The renewed petition has been reviewed by the undersigned, and no further discussion of the submission of the patent application documents to the non-signing inventor has been located. Neither the petition, nor the declaration

Regarding the fourth requirement of Rule § 1.47(a), it does not appear that the declarant has set forth that a complete copy of the application was included in this Email.

Moreover, the transmission of documents via Email, while a common practice, can be problematic. Transmission and receipt of documents-whether in image, word-processing, spreadsheet or other form-can be affected by differences in software generation between the sender and recipient(s), and other interferences include but are not limited to sender's and recipient's Internet service provider's (ISP) and/or office/personal security firewall systems.

Prior to the submission of the second renewed petition, Petitioner should send a complete paper copy of the application to the last known address of the non-signing via traditional mail, and provide the same with an adequate period of time to submit a response.

Regarding the fifth requirement of Rule § 1.47(a), it does not appear that this deficiency has been addressed on renewed petition.

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 "Second Renewed Petition Under 37 C.F.R. § 1.47(a)".

This is not a final agency action within the meaning of 5 U.S.C. § 704.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[6], hand-delivery[7], or facsimile[8]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[9].

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

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of facts appears to indicate that a complete copy of the application was provided to the non-signing inventor.

6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

8 (571) 273-8300- please note this is a central facsimile number.

9 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

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[10].

Paul Shanoski
Senior Attorney
Office of Petitions

10 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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OFFICE OF PETITIONS

In re Application of Zahid Ahmed, Alan Bush, Herb Stiel, Shahi Suravarapu, and David Yee Application No. 11/647,973 Filed: December 29, 2006 Attorney Docket Number: 356821-991110 Title: OBJECT ORIENTED, SEMANTICALLY-RICH UNIVERSAL ITEM INFORMATION MODEL	DECISION ON SECOND RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.47(A)

This is in response to the second renewed petition under 37 C.F.R. § 1.47(a)[1], filed February 15, 2008.

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1 A grantable petition under 37 C.F.R. § 1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130, if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of the non-signing inventors;
(4) proof that either:
a) a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application, or
b) the non-signing inventor cannot be found or reached after diligent effort, and a statement that these efforts were not successful, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

This second renewed petition pursuant to Rule § 1.47(a) is **DISMISSED.**

On December 29, 2006, the application was filed, identifying Zahid Ahmed, Alan Bush, Herb Stiel, Shahi Suravarapu, and David Yee as joint inventors. The application was deposited without an executed declaration. On February 6, 2007, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, requiring a fully executed oath or declaration and the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

An original petition was filed on September 6, 2007, and was dismissed via the mailing of a decision on November 14, 2007, for failure to meet requirements (4) and (5) of Rule § 1.47(a). The decision set forth, *in pertinent part*:

> Regarding the fifth requirement above, the declaration does not comply with 37 C.F.R. § 1.63, in that it contains a non-dated change by inventor Yee[2].

A renewed petition was filed on December 18, 2007, and was dismissed via the mailing of a decision on January 7, 2008, for again failing to meet requirements (4) and (5) of Rule § 1.47(a). The decision set forth, *in pertinent part*:

> Regarding the fifth requirement of Rule § 1.47(a), it does not appear that this deficiency has been addressed on renewed petition.

With this second renewed petition, Petitioner has established that a complete copy of the application was sent to the non-signing inventor, and as such, the fourth requirement of Rule § 1.47(a) has been met.

It appears that Petitioner has again failed to address the need for a declaration that has been properly executed by Mr. Yee.

It follows that the fifth requirement of Rule § 1.47(a) has not been met.

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 "Third Renewed Petition Under 37 C.F.R. § 1.47(a)".

This is not a final agency action within the meaning of 5 U.S.C. § 704.

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2 MPEP 605.04(a).

The third 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.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[7].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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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
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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JUN 09 2008

In re Application of Zahid Ahmed, Alan Bush, Herb Stiel, Shahi Suravarapu, and David Yee Application No. 11/647,973 Filed: December 29, 2006 Attorney Docket Number: 356821-991110 Title: OBJECT ORIENTED, SEMANTICALLY-RICH UNIVERSAL ITEM INFORMATION MODEL	DECISION ON THIRD RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.47(A)

This is in response to the third renewed petition under 37 C.F.R. § 1.47(a)[1], filed May 12, 2008[2].

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1 A grantable petition under 37 C.F.R. § 1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130, if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of the non-signing inventors;
(4) proof that either:
a) a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application, or
b) the non-signing inventor cannot be found or reached after diligent effort, and a statement that these efforts were not successful, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

2 It is noted that May 11, 2008 fell on a Sunday.

This third renewed petition pursuant to Rule § 1.47(a) is **DISMISSED.**

On December 29, 2006, the application was filed, identifying Zahid Ahmed, Alan Bush, Herb Stiel, Shahi Suravarapu, and David Yee as joint inventors. The application was deposited without an executed declaration. On February 6, 2007, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, requiring a fully executed oath or declaration and the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

An original petition was filed on September 6, 2007, and was dismissed via the mailing of a decision on November 14, 2007, for failure to meet requirements (4) and (5) of Rule § 1.47(a). The decision set forth, *in pertinent part*:

> Regarding the fifth requirement above, the declaration does not comply with 37 C.F.R. § 1.63, in that it contains a non-dated change by inventor Yee[3].

A renewed petition was filed on December 18, 2007, and was dismissed via the mailing of a decision on January 7, 2008, for again failing to meet requirements (4) and (5) of Rule 1.47(a). The decision indicated that it did not appear that Petitioner had addressed the deficiency regarding the fifth requirement of Rule 1.47(a).

A second renewed petition was filed on February 15, 2008, and was dismissed via the mailing of a decision on March 11, 2008. Petitioner established that a complete copy of the application was sent to the non-signing inventor, and thus the fourth requirement of Rule 1.47(a) was met. However, Petitioner again failed to address the need for a declaration that has been properly executed by Mr. Yee.

With this third renewed petition, Petitioner has attempted to meet the fifth requirement of Rule 1.47(a) via the submission of a declaration that has been executed by Mr. Yee.

However, this declaration cannot be accepted, as Petitioner has effectively altered the inventive entity. **The declaration lists only Mr. Yee as the inventive entity.** Petitioner will note that 37 C.F.R. § 1.63(a)(2) requires that a declaration must "[i]dentify each inventor."

Due to the fact that this declaration cannot be accepted by the Office, **the fifth requirement of Rule 1.47(a) has not been met.**

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3 MPEP § 605.04(a).

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 "Third Renewed Petition Pursuant to 37 C.F.R. § 1.47(a)".

This is not a final agency action within the meaning of 5 U.S.C. § 704.

On fourth renewed petition, Petitioner should include a declaration that lists the names of each inventor, and has been properly executed by Mr. Yee. Any failure to address this matter on fourth renewed petition may be considered an intentional effort to delay the prosecution of this application.

The fourth renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[4], hand-delivery[5], or facsimile[6]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[7].

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[8].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (571) 273-8300- please note this is a central facsimile number.
7 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
8 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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OFFICE OF PETITIONS

In re Application of Zahid Ahmed, Alan Bush, Herb Stiel, Shahi Suravarapu, and David Yee Application No. 11/647,973 Filed: December 29, 2006 Attorney Docket Number: 356821-991110 Title: OBJECT ORIENTED, SEMANTICALLY-RICH UNIVERSAL ITEM INFORMATION MODEL	DECISION ON FOURTH RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.47(A)

This is in response to the fourth renewed petition pursuant to 37 C.F.R. § 1.47(a), filed August 11, 2008.

This third renewed petition pursuant to Rule § 1.47(a) is **DISMISSED.**

On December 29, 2006, the application was filed, identifying Zahid Ahmed, Alan Bush, Herb Stiel, Shahi Suravarapu, and David Yee as joint inventors. The application was deposited without an executed declaration. On February 6, 2007, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, requiring a fully executed oath or declaration and the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;

(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. §1.63.

An original petition was filed on September 6, 2007, and was dismissed via the mailing of a decision on November 14, 2007, for failure to meet requirements (4) and (5) of Rule § 1.47(a).

A renewed petition was filed on December 18, 2007, and was dismissed via the mailing of a decision on January 7, 2008, for again failing to meet requirements (4) and (5) of Rule 1.47(a).

A second renewed petition was filed on February 15, 2008, and was dismissed via the mailing of a decision on March 11, 2008. Petitioner established that a complete copy of the application was sent to the non-signing inventor, and thus the fourth requirement of Rule 1.47(a) was met. However, Petitioner again failed to address the need for a declaration that has been properly executed by Mr. Yee.

A third renewed petition under 37 C.F.R. § 1.47(a) was filed on May 12, 2008,[1] and was dismissed via the mailing of a decision on June 9, 2008, for failure to meet the fifth requirement of Rule 1.47(a).

With this fourth renewed petition, Petitioner has submitted a declaration that has been properly executed by joint inventor Lee. However, the undersigned has noted a discrepancy regarding the address of the non-signing inventor:

1 It is noted that May 11, 2008 fell on a Sunday.

- In the declaration that was provided on filing, the address for non-signing inventor Bush is listed as 2701 Fairbrook Drive, Mountain View, California, 94040. The original petition pursuant to 37 C.F.R. § 1.47(a), filed on September 6, 2007, lists this same address as the non-signing inventor's last known address.

- The renewed petition that was filed on December 18, 2007 lists the last-known address for non-signing inventor Bush as 15127 24th St., NE, Redmond, Washington, 98052.

- The second renewed petition that was filed on February 15, 2008 lists the Washington state address as the last-known address.

- The third renewed petition that was filed on May 12, 2008 was silent as to the last-known address.

- With this fourth renewed petition, the petition is silent as to the last-known address, however a declaration has been included that contains the California address for Mr. Bush.

As such, it appears that **the declaration that was submitted with this fourth renewed petition does not contain the correct address for the non-signing inventor**, and an Application Data Sheet (ADS) has not been located in the electronic file. Consequently, this declaration cannot be accepted.

On fifth renewed petition, **Petitioner should submit either a declaration that contains the proper address for the non-signing inventor, or an ADS.**

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 "Fifth Renewed Petition Under 37 C.F.R. § 1.47(a)".

This is not a final agency action within the meaning of 5 U.S.C. § 704.

The fifth renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[2], hand-delivery[3], or facsimile[4]. Registered

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2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

users of EFS-Web may alternatively submit a response to this decision via EFS-Web[5].

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[6].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.
5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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Venture Pacific Law, PC
5201 Great America Parkway, Suite 270
Santa Clara CA 95054

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of
Shen et al.
Application No 11/648,014
Filed: December 30, 2006
Attorney Dkt. No: BYD-US2006-049
For: Type of Secondary Battery

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 25, 2009, to revive the above-identified application.

The petition is **Dismissed.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts in a Nonprovisional Application (Notice), mailed January 16, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 17, 2007. A Notice of Abandonment was mailed on October 3, 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) (3).

As to item (3), although petitioner has provided an unintentional statement pursuant to 37 CFR 1.137(b), the record shows that this application has been abandoned for an extended period of time. The application was held abandoned on March 17, 2007. A Notice of Abandonment was mailed on October 3, 2007. Yet a petition to revive this application was not filed until almost two years from the actual abandonment date and over a year from the mailing of the Notice of Abandonment. On renewed petition, petitioner should provide an explanation for the delay in submitting a reply to the Notice and the delay in submitting a petition to revive the application. Petitioner must establish the delay was not intentional.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If appropriate, a proper power of attorney document should be presented.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Venture Pacific Law, PC
5201 Great America Parkway, Suite 270
Santa Clara CA 95054

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AUG 17 2009

OFFICE OF PETITIONS

In re Application of
Shen et al.
Application No 11/648,014
Filed: December 30, 2006
Attorney Dkt. No: BYD-US2006-049
For: Type of Secondary Battery

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 16, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts in a Nonprovisional Application (Notice), mailed January 16, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 17, 2007. A Notice of Abandonment was mailed on October 3, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of English translation, statement and $130 fee (2) the petition fee of $1620, and (3) a proper statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If appropriate, a proper power of attorney document should be presented.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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GEORGE S. COLE, ESQ.
495 SEAPORT COURT, SUITE 101
REDWOOD CITY CA 94063

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of :
Zuckerman :
Filed: December 30, 2006 : ON PETITION
Application No. 11/648,024 :
For: NANO-POLYMERIC :
ENCAPSULATION OF A KEY REACTANT :
TO CONTROL CHEMO-FLUORESCENT :
ACTIVE REACTION PERIOD FOR :
CHEMILUMINESCENT PAINT :

This decision is in response to the "RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAI-APPLICATION ," filed April 6, 2007. This matter is being treated under 37 CFR 1.53(e) as a petition to accord the above-identified application a filing date of December 30, 2006 with Figure 1 as part of the original disclosure of application.

The petition is hereby GRANTED.

The above-identified application was filed December 30, 2006. The Notice of Omitted Items in a Nonprovisional Application (Notice), mailed February 28, 2007, indicated that Figure 1 appeared to have been omitted from the application as filed.

The Notice permits applicant to either: (I) establish prior receipt in the PTO of Figure 1; (II) submit the omitted figure and accept the date of such submission as the application filing date. An assertion that the missing page of specification was in fact deposited in the PTO with the application papers must made by way of petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted item in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted item with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such item and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the Notice (37 CFR 1.181(f)); or (III) take no action thereby

constructively accepting the application as deposited in the USPTO.

Petitioners contend that the application as filed contained no omissions and that the Figure 1 was present on filing, albeit "embedded" in the text of the specification.

Under the facts of this case, this application is entitled, for a filing date, to the date of receipt of the specification that also contained Figure 1. There is no explicit requirement that precludes the obtaining of a filing date for a non-provisional application when the specification and drawings are, as here, not separated.

However, a review of the specification as submitted December 30, 2006 reveals that Figure 1 was not so labeled. Accordingly, the Notice was in fact correct when it indicated that Figure 1 appeared to have been omitted from the application as filed. Accordingly, the Notice was properly mailed and will not be vacated. Further, the petition fee will not be refunded as mailing of the Notice was necessitated by applicant's error in properly labeling the drawing figure and not any error on the part of the Office.

It is noted that while petitioner has upon petition submitted a copy of Figure 1 so labeled within the text of the specification as well as a copy of Figure 2 on a separate sheet of paper, the copies were not accompanied by a preliminary amendment to that effect. Such should be promptly submitted to avoid further delays in examination.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of December 30, 2006, using the drawing sheets filed on that date.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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APPLE INC./BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Yan Arrouye	: DECISION ON REQUEST FOR
Patent Number	: 7630971	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/648,029	: 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 **254** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Schlumberger Technology Corporation/Osha Liang
Mr. Bryan Galloway, Managing IP Counsel
5599 San Felipe, Suite 100
HOUSTON TX 77056

MAILED

JUN 29 2009

OFFICE OF PETITIONS

Applicant: Vega Velasquez
Appl. No.: 11/648,035
Filing Date: December 29, 2006
Title: Bayesian Production Analysis Technique For Multistage Fracture Wells
Attorney Docket No.: 09469/072001; 110.0129
Pub. No.: US 2008/0162099 A1
Pub. Date: July 3, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 20, 2008, for the above-identified application. Applicant requests that the application be republished because the patent application publication contains material error in representations of formulae in the specification at pages 4 and 5.

The request is DISMISSED.

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." (Emphasis added) 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 is, in this case, not material Office error. The errors are due to the quality of the text, which is not clear due to the size, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52 and PCT Rule 11.9(d)(1). As set forth at MPEP 1121, "applications with poor quality text, which may be acceptable for scanning and examination purposes, may lead to errors in the patent application publication. Correction of these errors and inclusion of any desired amendments into the text of the originally-filed specification and drawings will only occur if applicant files a request for republication under 37 CFR 1.221(a). They will **not** be corrected by the Office in a corrected publication under 37 CFR 1.221(b)." (Emphasis added) Further note that the errors have not been alleged by applicant to

[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).

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.

Applicant is advised that he may want to file application papers that are clearer, as the error is due to the quality of the text. The text is very small, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52 and PCT Rule 11.9(d)(1).

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.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

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, Legal Advisor, at (571) 272-7700, or 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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Vierra Magen Marcus & DeNiro LLP
575 Market Street, Suite 2500
San Francisco, CA 94105

Mail Date: 04/21/2010

Applicant	: James C. Kim	: DECISION ON REQUEST FOR
Patent Number	: 7629532	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/648,059	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **418** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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RAY R. MILLER
2318 50TH ST. CT. NW
GIG HARBOR, WA 98335

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AUG 09 2007

OFFICE OF PETITIONS

In re Application of

Ray R. Miller
Application No. 11/648,079
Filed: December 30, 2006
Attorney Docket No.

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 30, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3617 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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Ray R. Miller
2318 50th St. Ct. NW
Gig Harbor WA. 98335

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SEP 07 2007

OFFICE OF PETITIONS

In re Application of
RAY R. MILLER
Application No. 11/648,079
Filed: December 30, 2006
Attorney Docket No. NONE

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 December 30, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The 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 3617 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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Buckley, Maschoff & Talwalkar LLC/
Intel Corporation
50 Locust Avenue
New Canaan, CT 06840

Mail Date: 04/21/2010

Applicant	: Steven Tu	: DECISION ON REQUEST FOR
Patent Number	: 7620840	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/648,112	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **397** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Caven & Aghevli LLC
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS, MN 55402

Mail Date: 07/16/2010

Applicant	: Harikrishnan Ramanan	: DECISION ON REQUEST FOR
Patent Number	: 7644871	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/648,119	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BOTKIN & HALL, LLP
105 E. JEFFERSON BLVD.
SUITE 400
SOUTH BEND, IN 46601

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OCT 2 1 2008

OFFICE OF PETITIONS

In re Application of :
Thomas J. Jackson :
Application No. 11/648,147 : DECISION ON PETITION
Filed: December 29,2006 :
Attorney Docket No. 1029-002.001 Jackson :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 9, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application, February 1, 2007, which set a shortened statutory period for reply of three (2) months. No extensions of time under the provisions of 37 CFR 1.136 (a) were obtained. Accordingly, the application became abandoned on April 2, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form $150 statutory basic filing fee and $65 surcharge, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to Technology Center AU 3643 for appropriate action by the Examiner in the normal course of business on the reply received.

Brian Brown
Petitions Examiner
Office of Petitions

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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OFFICE OF PETITIONS

In re Application of :
Gregg Smith et al :
Application No. 11/648,152 :
Filed: December 28, 2006 :
Attorney Docket No. 1006-239/JRD :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 9, 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 5, 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 6, 2007.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions

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MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY
SUITE 1001
WESTBOROUGH, MA 01581

Mail Date: 04/21/2010

Applicant	: William J. O'Farrell	: DECISION ON REQUEST FOR
Patent Number	: 7577963	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/648,165	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **47** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

Mail Date: 04/21/2010

Applicant	: Kirk D. Prall	: DECISION ON REQUEST FOR
Patent Number	: 7651911	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/648,200	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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SEP 2 5 2007

OFFICE OF PETITIONS

In re Application of Camarena et al. :
Application No. 11/648,201 :
Filing Date: December 29, 2006 :
Attorney Docket No. 2201.012US1 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.182 filed April 30, 2007, to correct Inventor Lin's name.

The petition is **granted**.

The executed declaration filed lists the third name of the inventor as "Phil Lin."

Petitioner states the full legal name for the third inventor is actually "Chi-Chi Lin."

Petitioner requests the Office correct the third inventor's name.

MPEP 605.04(b) states,

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee. Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

Petitioner has filed a petition under 37 CFR 1.182 to correct the inventor's names and the petition has been filed prior to payment of the issue fee. Therefore, the petition is granted.

Office records have been changed to show the correct, legal name of the third inventor.

A corrected filing receipt showing the correct name for the third inventor accompanies the instant decision.

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

Attached: Corrected Filing Receipt

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/648,201	12/29/2006	2835	1300	2201.012US1	22	4

CONFIRMATION NO. 3434

CORRECTED FILING RECEIPT

OC000000025983826

21186
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Date Mailed: 09/24/2007

Receipt is acknowledged of this nonprovisional 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 (if appropriate).**

Applicant(s)

Manuel B. Camarena, Yorba Linda, CA;
Jan Orlowski, Thousand Oaks, CA;
Chi-Chi Lin, Alhambra, CA;
Tom O. McGoldrick, Laguna Hills, CA;

Assignment For Published Patent Application

Toshiba America Information Systems, Inc.

Power of Attorney: The patent practitioners associated with Customer Number **67098**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 02/06/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/648,201

Projected Publication Date: 07/03/2008

Non-Publication Request: No

Early Publication Request: No

Title

Apparatus to protect shock-sensitive devices and methods of assembly

Preliminary Class

361

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted

under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Perkins Coie, LLP
P.O. Box 1208
Seattle, WA 98111-1208

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In re Application of	:	
Paul Ju-Sung Hung et al.	:	
Application No. 11/648,207	:	DECISION ON PETITION
Filed: December 29, 2006	:	TO WITHDRAW
Attorney Docket No. 58532-8001.US00	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed September 30, 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 Brian R. Coleman on behalf of all attorneys/agents associated with customer number 22918 of record. All attorneys/agents associated with customer number 22918 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. Accordingly, all correspondence will be mailed to the first signing inventor. A courtesy copy of this decision will be mailed to address indicated on the request to withdraw. If this firm would like to receive future correspondence, the proper power of attorney documents must be submitted or if an assignee has intervened compliance with 37 CFR 3.73(b) must be satisfied.

The power of attorney filed on May 8, 2007 was improperly accepted by the Office on May 22, 2007. A copy of the assignment that was being recorded should have accompanied the power of attorney. The correspondence address can not be changed to that of the assignee until a copy of the assignment or a new statement under 37 CFR 3.73(b) is provided setting forth the reel and frame number of where the recorded assignment can be found within the assignment records of the United States Patent and Trademark Office.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Paul Ju-Sung Hung
3498 Ellery Common
Fremont, CA 94538

cc: CellAsic Corporation
2551 Merced Street
San Leandro, CA 94577

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/648,207	12/29/2006	Paul Ju-Sung Hung	58532-8001.US00

CONFIRMATION NO. 3457

POWER OF ATTORNEY NOTICE

22918
PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

OC000000032799796

Date Mailed: 10/27/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/30/2008.

- 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