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1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

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DEC 0 7 2007

OFFICE OF PETITIONS

In re Application of :
Dai, Jin, and Undan :
Application No. 11/648,211 :
Filed: December 29, 2006 :
Attorney Docket No. 042390.P24957 :
For: Pin With Shape Memory Alloy :

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

This is a decision on the petition under 37 CFR 1.47(a), filed August 7, 2007.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fee is required for the request. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

The petition was not filed with the required petition fee of $200.

The petition was accompanied by a general authorization to file any required fees to deposit account no. 50-0221. Mark C. Van Ness filed the general authorization and the petition. Office records indicate Attorney Van Ness is not an authorized user of deposit account no. 50-0221. Therefore, the Office is unable to charge the required petition fee to the deposit account.

Absent payment of the petition fee, the Office will not consider the merits of a petition. Petitioner has not submitted the required petition fee. Therefore, the Office cannot consider the merits of the petition at this time.

Petitioner should file a request for reconsideration along with payment of the $200 fee.

Any request for reconsideration may be filed electronically or be addressed as follows:

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

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
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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DEC 0 8 2008

In re Application of :
Dai, Jin, and Undan :
Application No. 11/648,211 :
Filed: December 29, 2006 :
Attorney Docket No. 042390.P24957 :
For: Pin With Shape Memory Alloy :

Decision According Status
Under 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed May 5, 2008.

The petition is **granted**.

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

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

Technology Center Art Unit 2833 will be informed the declaration has been accepted without the signature of Bernadette Undan and that the application is in condition for examination in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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DIW Nov-09

KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118

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NOV 0 4 2009

OFFICE OF PETITIONS

In re Application of :
Thomas N. Horsky et al :
Application No.: 11/648,269 : ON PETITION
Filing Date: December 29, 2006 :
Attorney Docket No. 211843-00059CON :

This is a decision on the petition under 37 CFR 1.137(a), filed on May 7, 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(a)" or "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned for failure to timely file a proper reply to the nonfinal rejection mailed January 14, 2008. A Notice of Non-Compliant Amendment (Notice) was mailed on August 11, 2008. A Notice of Abandonment was mailed on April 16, 2009.

Petitioner asserts that the Notice mailed August 11, 2008, was never received

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. 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 § 1.17(l);

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

(4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition lacks item (3) above.

As to item (3), the Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Director to have been "avoidable." **See**, 37 CFR 1.137(a)(3). Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[1]

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;

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[1] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."

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

3. 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, and

4. 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.

Petitioner has failed to meet (4). A copy of a master docket or a statement that a master docket does not exist has not been provided. 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, in this case, a copy of the master docket report showing all replies docketed for a date one month 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.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition 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 petition fee set forth in 37 CFR 1.17(m).

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET N.W., SUITE 200
WASHINGTON DC 20007-5118

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JAN 27 2010

In re Application of :
Thomas N. Horsky et al :
Application No. 11/648,269 : DECISION ON PETITION
Filed: December 29, 2006 :
Attorney Docket No. 211843-00059CON :

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 **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 is accepted as having been unintentionally delayed.

Petitioner should note that, no terminal disclaimer is required on utility/plant applications filed on or after June 8, 1995.

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

This application is being referred to Technology Center AU 2821 for appropriate action by the Examiner in the normal course of business on the reply received May 7, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/648,287	12/28/2006	Richard W. Cruse	US 193438 (1302-89)	4753

52774 7590 03/04/2010

MOMENTIVE PERFORMANCE MATERIALS INC.
c/o Dilworth & Barrese, LLP
1000 Woodbury Road
Suite 405
Woodbury, NY 11797

EXAMINER	
SCOTT, ANGELA C	
ART UNIT	**PAPER NUMBER**
1796	

MAIL DATE	DELIVERY MODE
03/04/2010	PAPER

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

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

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P.O. BOX 1450
ALEXANDRIA, VA 23313-1450
WWW.USPTO.GOV

Mailed:

In re Application of Cruse et al.
Serial No.: 11/648,287
Filed: November 18, 2006

DECISION ON PETITION UNDER *37 CFR 1.48(b)*

Title: SILATED CORE POLYSULFIDES, THEIR PREPARATION AND USE IN FILLED ELASTOMER COMPOSITIONS

This is a decision on the request for CORRECTION OF INVENTORSIP UNDER 37 C.F.R. 1.48(b) (herein treated as PETITION TO DELETE CORRECTLY NAMED PERSONS WHO ARE NOT INVENTORS OF INVENTION NOW BEING CLAIMED) filed February 9, 2010 to correct inventorship under 37 CFR 1.48(b) by deleting the name of Antonio Chaves from the list of inventors of the instant application.

It is noted that the applicant has met the requirements of (1) a petition including a statement identifying each named inventor who is being deleted and acknowledging that the inventor's invention is no longer being claimed in the application; and (2) the fee set forth in 37 CFR 1.17(i).

The request is **GRANTED**.

The application file is being forwarded to the appropriate section of the Patent and Trademark Office for correction of the record.

Mark Eashoo, Ph.D.
Supervisory Patent Examiner
Art Unit 1796, Technology Center 1700

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Suite 702
Uniondale, NY 11553

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

Mail Date: 04/20/2010

Applicant	: Michael Kriege	: DECISION ON REQUEST FOR
Patent Number	: 7636244	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/648,304	: 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 **24** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Thomas Michelbrink	: DECISION ON REQUEST FOR
Patent Number	: 7647882	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/648,405	: 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 **236** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

LAWRENCE R. YOUST
DANAMRAJ & YOUST, P.C.
5910 NORTH CENTRAL EXPRESSWAY
SUITE 1450
DALLAS TX 75206

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SEP 13 2007

OFFICE OF PETITIONS

In re Application of :
Kwang-Su Moon et al. :
Application No. 11/648,410 : DECISION ON PETITION
Filed: December 29, 2006 : UNDER 37 C.F.R. § 1.78(a)(3)
Attorney Docket No. 1417-1010 :
CS :
Title: PORTABLE SOUND :
REPRODUCING SYSTEM AND METHOD :

This is a decision on the petition under 37 C.F.R. § 1.78(a)(3), filed June 4, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed non-provisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

(1) the reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2)(i) of the prior-filed

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 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

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

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

Any inquiries concerning this decision may be directed to Senior Attorney Paul Shanoski at (571) 272-3225. 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 2615 for consideration by the examiner of applicant's

entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

Nancy Johnson
Senior Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/648,410	12/29/2006	2615	750	1417-1010 CS	30	2

CONFIRMATION NO. 3800

CORRECTED FILING RECEIPT

OC000000025802243

32376
LAWRENCE R. YOUST
2001 Ross Avenue
Suite 3000
DALLAS, TX 75201

Date Mailed: 09/13/2007

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)

Kwang-su Moon, Seoul, KOREA, REPUBLIC OF;
Jung-ha Hwang, Jeongja-dong, KOREA, REPUBLIC OF;

Assignment For Published Patent Application

Texas MP3 Technologies, Ltd., Marshall, TX

Power of Attorney: The patent practitioners associated with Customer Number **32376**.

Domestic Priority data as claimed by applicant

This application is a CON of 11/411,546 04/26/2006
which is a CON of 10/059,777 01/29/2002 PAT 7,065,417
which is a DIV of 09/061,649 04/17/1998 PAT 5,992,317

Foreign Applications

REPUBLIC OF KOREA 97-62315 11/24/1997

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

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/648,410

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Portable sound reproducing system and method

Preliminary Class

700

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

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.
11/648,411	12/29/2006	Duane J Powell	PowellUS24ANP	3812

25287 7590 03/19/2010

GEORGE LAWRENCE BOLLER
SUITE 316
17199 N LAUREL PARK DR
LIVONIA, MI 48152

EXAMINER	
NGUYEN, NGOC YEN M	
ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
03/19/2010	PAPER

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

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

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

wk

MAR 19 2010

Mailed:

In re application of	:	
Powell et al.	:	DECISION ON
Serial No. 11/648,411	:	PETITION
Filed: December 29, 2006	:	
For: Manufacture Of High-Strength, Low-Salt Sodium Hypochlorite Bleach	:	

This is a response to a PETITION UNDER RULE 37 C.F.R. 1.181 filed February 24, 2010 requesting review of the failure of the Examiner to respond to the Appeal Brief by an Examiner's Answer, issuing instead a new non-final rejection.

A review of the record indicates that Applicant filed an Appeal Brief on August 6, 2009. The Examiner issued a non-final Office Action on August 6, 2009. Applicant filed a petition under 37 CFR 1.181(a) (3) on February 24, 2010 along with a reply to the November 24, 2009 Office Action.

DECISION

Rule 1.181, Section (f) states:
§ 1.181 Petition to the Commissioner.

(f) Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

Accordingly, the instant petition is **DISMISSED.**

/JACQUELINE STONE/

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

GEORGE LAWRENCE BOLLER
SUITE 316
17199 N LAUREL PARK DR
LIVONIA MI 48152

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

TOLER SCHAFFER, LLP
8500 BLUFFSTONE COVE
SUITE A201
AUSTIN TX 78759

COPY MAILED

AUG 0 3 2007

OFFICE OF PETITIONS

In re Application of :
Moon et al. :
Application No. 11/648412 : DECISION ON PETITION
Filing or 371(c) Date: 12/29/2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 1700-MPM0001-C7 :

This is a decision on the "Petition to Accept an Unintentionally Delayed Claim under 35 U.S.C. §120 for the Benefit of Priority of a Prior-Filed Application," filed June 4, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application, no. 09/061,647, set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

As to item (1), the reference to add the above-noted, prior-filed application, no. 09/061,647, on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed application(s). An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an

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

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

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

By mail: Mail Stop PETITIONS
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.

Christina T. Donnell

Christina T. 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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LAWRENCE R. YOUST
2001 ROSS AVENUE
SUITE 3000
DALLAS, TX 75201

COPY MAILED

SEP 26 2007

OFFICE OF PETITIONS

In re Application of :
Kwang-Su Moon, et al. :
Application No. 11/648,427 : DECISION ON PETITION
Filed: December 29, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 1417-1010 C6

This is a decision on the petition under 37 CFR 1.78(a)(3), filed on June 4, 2007, 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, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application(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.

It is noted that 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.

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 2615 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

cc: LAWRENCE R. YOUST
DANAMRAJ & YOUST PC
5910 NORTH CENTRAL EXPRESSWAY, SUITE 1450
DALLAS, TX 75206

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
11/648,427	12/29/2006	2615	975	1417-1010 C6	39	2

CONFIRMATION NO. 4453

CORRECTED FILING RECEIPT

OC000000026010036

32376
LAWRENCE R. YOUST
2001 Ross Avenue
Suite 3000
DALLAS, TX 75201

Date Mailed: 09/26/2007

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)

Kwang-su Moon, Seoul, KOREA, REPUBLIC OF;
Jung-ha Hwang, Jeongja-dong, KOREA, REPUBLIC OF;

Assignment For Published Patent Application

Texas MP3 Technologies, Ltd., Marshall, TX

Power of Attorney: The patent practitioners associated with Customer Number **32376**.

Domestic Priority data as claimed by applicant

This application is a CON of 11/411,546 04/26/2006
which is a CON of 10/059,777 01/29/2002 PAT 7,065,417
which is a DIV of 09/061,647 04/17/1998 PAT 6,629,000

Foreign Applications

REPUBLIC OF KOREA 97-62315 11/24/1997

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

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/648,427

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Portable sound reproducing system and method

Preliminary Class

700

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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CORPORATION
1055 Thomas Jefferson Street, NW
Suite 400
WASHINGTON DC 20007

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APR 15 2010

OFFICE OF PETITIONS

In re Application of

Kobayahi, et al.

Application No. 11/648,538

Filed: January 3, 2007

Attorney Docket No. **5262-056-US01**

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed February 23, 2010.

The petition is **granted**.

This application was held abandoned October 9, 2009, after no reply was received to the non-final Office action mailed July 8, 2009. The notice set forth a shortened statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on October 9, 2009. A Notice of Abandonment was mailed February 12, 2010. The instant petition was filed on February 23, 2010. Petitioner maintains that the notice of July 8, 2009, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has 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 to Technology Center 2100, GAU 2191 for further processing that will include remailing the non-final Office action and resetting of the period for reply.

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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Paper No. None

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JUN 21 2007

OFFICE OF PETITIONS

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

In re Application of :
Takeshi Fujino et al. :
Application No. 11/648,572 : DECISION ON PETITION
Filed: January 3, 2007 :
Attorney Docket No. 107348-00619 :
Title: ALKALI-ACTIVATED CARBON FOR ELECTRIC DOUBLE LAYER CAPACITOR ELECTRODE :

This is a decision on the "Response to Notice of Omitted Item(s) in a Nonprovisional Application," which is properly treated as a petition pursuant to 37 C.F.R. § 1.182, filed March 23, 2007.

The application was filed on January 3, 2007. On February 6, 2007, the Office of Initial Patent Examination Division (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (notice), stating that the application had been accorded a filing date, but that page 14 of the specification appeared to have been omitted.

In response, the present petition was filed on March 23, 2007. Petitioner explains that the specification submitting on filing contained a pagination error. Petitioner has submitted a substitute specification where the pagination error has been corrected, and has asserted, over her registration number, that no new matter has been submitted with this substitute specification.

The petition under 37 C.F.R. § 1.182 is **GRANTED.**

The substitute specification will be entered and made of record. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting the statement that no new matter has been added with the substitute specification that was submitted with the present petition on March 23, 2007.

The petition fee of $400 will not be refunded, as this petition was not necessitated by any error on the part of the Office - the notice correctly indicated that page 14 of the specification appeared to have been omitted on filing.

OIPE will be made aware of this decision, so that the present application can receive further processing with the presently accorded filing date of January 3, 2007, using the 17 sheets of substitute specification filed on March 23, 2007.

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[1].

Paul Shanoski

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

---

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 Petitioner's further action(s).

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

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JUL 14 2008

OFFICE OF PETITIONS

Applicant: Yamakami et al.
Appl. No.: 11/648,587
Filing Date: January 3, 2007
Title: LIQUID INK FOR INK JET RECORDING METHOD USING THE INK
Attorney Docket No.: 03500-134848
Pub. No.: 2007/0109378 A1
Pub. Date: May 17, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 26, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication, as the benefit claim data is not printed.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error in the benefit claim on the front page of the publication is an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The error in the benefit claim on the front page of the publication is not a material mistake as the benefit claim is in the first line of the specification, as required by 37 CFR 1.78. The error in the benefit claim on the front page of the publication is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The first line of the specification

[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).

contains the proper benefit claim, thus one can read and understand the application and properly use the patent application publication as a prior art reference.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted 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" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

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JUL 14 2008

OFFICE OF PETITIONS

Applicant: Negishi et al.
Appl. No.: 11/648,594
Filing Date: January 3, 2007
Title: CYAN INK FOR INK JET AND INK JET RECORDING METHOD
Attorney Docket No.: 03500-134849
Pub. No.: 2007/0107627 A1
Pub. Date: May 17, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 26, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication, as the benefit claim data is not printed.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error in the benefit claim on the front page of the publication is an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The error in the benefit claim on the front page of the publication is not a material mistake as the benefit claim is in the first line of the specification, as required by 37 CFR 1.78. The error in the benefit claim on the front page of the publication is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The first line of the specification contains the proper benefit claim, thus one can read and understand the application and properly use the patent application publication as a prior art reference.

[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 **applicant did not provide copies of papers**, which were previously submitted 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" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

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JUL 14 2008

OFFICE OF PETITIONS

Applicant: Tomioka
Appl. No.: 11/648,596
Filing Date: January 3, 2007
Title: INK CARTRIDGE
Attorney Docket No.: 03500-134840
Pub. No.: 2007/0109371 A1
Pub. Date: May 17, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on June 26, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication the benefit claim data is not printed.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

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[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

On February 6, 2007, a Filing Receipt was mailed by the Office, which improperly listed the benefit claim. To avoid this type of problem in the future, applicant's representative should review the Filing Receipt and make a request for a Corrected Filing Receipt.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted 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.

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

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

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30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

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JUL 14 2008

OFFICE OF PETITIONS

Applicant: Tomioka
Appl. No.: 11/648,598
Filing Date: November 3, 2007
Title: THERMAL INK-JET INK AND INK CARTRIDGE USING THE SAME
Attorney Docket No.: 03500-134850
Pub. No.: 2007/0109372 A1
Pub. Date: May 17, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on June 26, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication the benefit claim data is not printed.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

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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:

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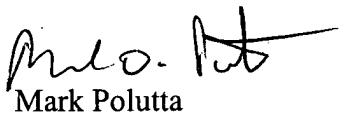
By facsimile: 571-273-8300

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



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

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NEW YORK, NY 10112

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JUL 14 2008

OFFICE OF PETITIONS

Applicant: Yamakami
Appl. No.: 11/648,599
Filing Date: January 3, 2007
Title: THERMAL INK-JET AND INK CARTRIGE USING THE INK
Attorney Docket No.: 03500-134856
Pub. No.: 2007/0109390 A1
Pub. Date: May 17, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on June 26, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication, as the benefit claim data is not printed.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

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[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

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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:

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Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

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

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

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1800 DIAGONAL ROAD, SUITE 370
ALEXANDRIA, VA 22314

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OFFICE OF PETITIONS

In re Application of :
ASANO, et al. :
Application No. 11/648,655 :
Filed: January 3, 2007 :
Attorney Docket No. **ASA-1151-02** :

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 8, 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 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 2161 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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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

Mail Date: 05/20/2010

Applicant	: Sergey Shestak	: DECISION ON REQUEST FOR
Patent Number	: 7646537	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/648,669	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/03/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **286** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

Mail Date: 05/03/2010

Applicant	: Atul Goel	: DECISION ON REQUEST FOR
Patent Number	: 7613984	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/648,709	: 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 **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.

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CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO CA 94303

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In re Application of	:	
Paul H. Dick et al.	:	
Application No. 11/648,711	:	DECISION ON PETITION
Filed: December 29, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. PA4022US	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(2), filed December 23, 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 petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice

before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s)1 and 5.

As to item 1, this application has been classified in an area (USPC 422/186.07) 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.

As to item 5, as stated in section III of the Notice, applicant must provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard.

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 Carl Friedman at 571-272-6842.

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

The application is being forwarded to the Technology Center Art Unit 1795 for action in its regular turn.

Carl Friedman
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/648,711	12/29/2006	Paul H. Dick	PA4022US	9750

22830 7590 02/19/2010

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

EXAMINER	
MAYEKAR, KISHOR	
ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
02/19/2010	PAPER

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

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

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FEB 19 2010

In re Application of	:	
Dick et al.	:	DECISION ON PETITION
Application No. 11/648,711	:	TO MAKE SPECIAL UNDER
Filed: 12/29/2006	:	THE GREEN TECHNOLOGY
Attorney Docket No. **PA4022US**	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 2/8/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 1.

Applicants arguments regarding the suggested classification have been considered but are not deemed to be persuasive. While applications are routinely cross referenced in multiple related classes/subclasses, the Original classification is determined by the following factors:

1) Hierarchy of categories of subject matter (e.g. method of using claims determine classification over article claims).

2) Superiority of types of subject matter (e.g. chemical subject matter controls over electrical subject matter).

3) Class superiority. All classes in the US Classification system are assigned a relative superiority. This listing of all classes arranged by their relative superiority can be found on the USPTO website on the Classification Home Page under the link entitled "Classes Within the US Classification System Arranged by Related Subjects."

Based on the criteria above, the current Original classification is deemed to be appropriate.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1795 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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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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HUGH GALLAGHER M.D.
8423 N. CORAL RIDGE LOOP
TUCSON AZ 85704

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OCT 08 2008

OFFICE OF PETITIONS

In re Application of	:	
Hugh Gallagher M.D.	:	
Application No. 11/648,747	:	ON PETITION
Filed: January 3, 2007	:	
Title: Rotary, Continuous, Combustion Turbine	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 17, 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 from the applicant, as well as copies of his birth certificate and Arizona driver's license. Accordingly, the above-identified application has been accorded "special" status.

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

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 3746 for action on the merits commensurate with this decision.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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NOV 16 2009

OFFICE OF PETITIONS

HONEYWELL INTERNATIONAL INC.
PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN NJ 07962-2245

In re Application of	:	
Anatoly Kotlarsky, et al.	:	
Application No. 11/648,758	:	DECISION ON PETITION
Filed: December 29, 2006	:	
Attorney Docket No. H28775	:	

This is a decision on the petition under 37 CFR 1.182, filed, January 13, 2009, to correct the spelling of the named inventor "Michael Veksland" to –Mikhail Veksland--.

The petition is **DISMISSED**.

The issue fee in this application was paid on December 17, 2008. Effective May 29, 2000, the Office changed the practice by clarifying that an amendment under 37 CFR 1.312 (after allowance) must be filed prior to or with payment of the issue fee, and eliminated 37 CFR 1.312(b). Since a change to the inventor's name is an amendment to the application, and amendments are not permitted after the payment of the issue fee, a petition under 37 CFR 1.182 to change the inventors' name cannot be granted.

Nevertheless, the petition may still be granted if a renewed petition under 37 CFR 1.182, along with request for certificate of correction to correct the misspelling of the inventor's name and fee of $100, are submitted.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

If appropriate, a proper 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.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web[1]

Any questions concerning this matter may be directed to Terri Johnson at (571) 272-2991.

Chris Bottorff
Petitions Examiner
Office of Petitions

cc: **Thomas J. Perkowski, Esq., P.C.**
Southview Plaza
1266 East Main Street
Stamford, CT 06902

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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JAN 25 2007

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Alexandria, VA 22313-1450
www.uspto.gov

KENNETH I. KOHN
KOHN & ASSOCIATES, PLLC
SUITE 410
30500 NORTHWESTERN HIGHWAY
FARMINGTON HILLS MI 48334

In re Application of
Kent D. Miller et al
Serial No.: 11/648,773
Filed: December 29, 2006
Attorney Docket No.: 0148.00001

: 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 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 **DISMISSED**.

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I.1- II.4 above are considered to have been met. However, the petition fails to comply with conditions II.5-6 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of MPEP § 708.02, 5 and 6, petitioner indicates a search in EAST DATABASE for US patents and applications only. No other databases are indicated as searched, nor is the search logic provided. Thus it is impossible to determine if all appropriate search terms were included in the search. No indication is given as to what classes/subclasses in EAST were searched, but any search would include, of necessity, class 530/300+ for the modified neurotoxin and peptide. Also class 514/2 and class 535/212 are required searches. It is not clear if any non-patent literature or foreign patent databases have been searched. The search also appears not to have considered the search template, available at: <http://www.uspto.gov/web/patents/searchtemplates/class.htm>.

The Support document should be a separate document, not part of the petition, per se. It is noted that the IDS cites four documents not discussed in the Support Document, as required; specifically US 4,162,303; 5,723,477; 5,955, 303; and 5,994,515. There is also no clear explanation of how the claims are distinguished over the art in terms of not being anticipatedand obvious on a claim by claim basis.

In view of the above deficiencies of the search and the Pre-exam Support Document both are considered defective or incomplete and will need to be revised or updated.

DECISION

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

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

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

Any inquiry regarding this decision should be directed to William R. Dixon, Jr., Special Program Examiner, at (571) 272-0519.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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MAR - 2 2007

KENNETH I. KOHN
KOHN & ASSOCIATES, PLLC
SUITE 410
30500 NORTHWESTERN HIGHWAY
FARMINGTON HILLS MI 48334

In re Application of	:
Kent D. Miller et al	: DECISION ON PETITION TO MAKE
Serial No.: 11/648,773	: SPECIAL FOR NEW APPLICATION
Filed: December 29, 2006	: UNDER 37 C.F.R. § 1.102 & M.P.E.P.
Attorney Docket No.: 0148.00001	: § 708.02

This is a decision on the renewed petition filed February 15, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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

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

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

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

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

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

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

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

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

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

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

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

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

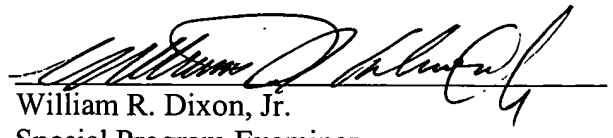
   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

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

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

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

Any inquiry regarding this decision should be directed to William R. Dixon, Jr., Special Program Examiner, at (571) 272-0519.



William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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MONROE ALEX BROWN
P. O. BOX 70501
KNOXVILLE TN 37938-0501

MAILED

APR 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Dennis A. Brunsell, et al.	:	
Application No. 11/648,819	:	DECISION GRANTING PETITION
Filed: December 30, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 06.009,025	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 7, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 4, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1793 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

Terri Johnson
Petitions Examiner
Office of Petitions

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

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OCT 21 2009

OFFICE OF PETITIONS

Life Technologies c/o Morrison & Foerster LLP
12351 High Bluff Drive
Suite 100
San Diego, CA 92130-2040

In re Application of	:	
Susan Hardin, et al.	:	
Application No. 11/648,856	:	DECISION ON PETITION
Filed: December 29, 2006	:	TO WITHDRAW
Attorney Docket No. IVGN 1013.16 DIV	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 6, 2009.

The request is **APPROVED**.

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Susan Hardin**
4435 Jim West
Bellaire, TX 77401

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/648,856	12/29/2006	Susan Hardin	IVGN 1013.16 DIV

CONFIRMATION NO. 4446

85052
Life Technologies c/o Morrison & Foerster LLP
12351 High Bluff Drive
Suite 100
San Diego, CA 92130-2040

POWER OF ATTORNEY NOTICE

OC000000038382216

Date Mailed: 10/20/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/06/2009.

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

/tsjohnson/

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

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

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JUL 0 8 2008

OFFICE OF PETITIONS

In re Application of :
GREDONE, et al. :
Application No. 11/648,938 : DECISION GRANTING PETITION
Filed: January 3, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **I-2-0201.7US** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 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 May 12, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2116 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.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/16/09 Paper No.: —

TO SPE OF : ART UNIT 2812

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/648942 Patent No.: 7579208 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

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

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

Comments: _____

CHARLES D. GARBER
SUPERVISORY PATENT EXAMINER
2812

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JJGJR.: 09-06

Paper No: __

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SEP 27 2007

OFFICE OF PETITIONS

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of
Morrison
Application No. 11/648,947
Filed: 3 January, 2007
Attorney Docket No. 11723-004-999

ON PETITION

This is a decision on the petition filed on 13 March, 2007, under 37 C.F.R. §1.47(b).

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 is **DISMISSED**.

NOTES:

(1) Any reply must include a renewed petition (and fee) must include a petition under

[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.**

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

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

BACKGROUND

The record indicates:

- the instant application was filed on 3 January, 2007, without, *inter alia*, a fully executed oath/declaration;

- on 7 February, 2007, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration was required within two months;

- on 13 March, 2007, Petitioner Brett Lovejoy (Reg. No. 42,813) filed, *inter alia*, the instant petition with fee, an oath/declaration executed by an averred authorized officer of the averred assignee, and an averment supported by statements to the effect that only the oath/declaration was sent to non-signing and sole inventor James Morrison (Mr. Morrison), in compliance with the requirement under law (statute and regulation) that the entire application (description, claims, abstract and drawings) be provided to the inventor for his/her review and consideration before signing–and the statement of the last known address of Mr. Morrison as set forth by the assignee officer;

- the Office attempted to contact Mr. Lovejoy to ascertain that he has complied with Office requirements of making an inquiry into the facts of this matter to satisfy himself that the averred facts (to include but not be limited to the address of the non-signing inventor, however there was no answer at Mr. Lovejoy's office)–and any renewed petition in this matter should address this matter as to Petitioner's duty of candor to notify the Office if his understanding of the facts (including accuracy of address for the non-signing inventor) is not as set forth in the papers submitted by Petitioner; and

- there is no showing of diligence as to the effort to determine a reasonably-believed to be current/valid/last known mailing address of the non-signing inventor, but rather Petitioner puts forward an address that may date as far back as November 2004, with no history/showing of recent inquiry.

It is noted that there is no assignment of record by the non-signing inventor.

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

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.

---

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

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

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

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

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

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

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

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

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

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

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

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).
[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

> (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.

Alternatives

When it is a matter that Petitioner submits a wholly unsigned oath/declaration, the commentary at MPEP §409.03(b) provides that, where no inventors are available to sign:

> **409.03(b) No Inventor Available**
>
> Filing under 37 C.F.R. 1.47(b) and 35 U.S.C. 118 is permitted only when no inventor is available to make application. These provisions allow a "person" with a demonstrated proprietary interest to make application "on behalf of and as agent for" an inventor who "can-not be found or reached after diligent effort" or who refuses to sign the application oath or declaration. The word "person" has been construed by the U.S. Patent and Trademark Office to include juristic entities,

such as a corporation. Where 37 C.F.R. 1.47(a) is available, application cannot be made under 37 C.F.R. 1.47(b).

In addition to other requirements of law (35 U.S.C. 111(a) and 115), an application deposited pursuant to 37 C.F.R. 1.47(b) must meet the following requirements:

(A) The 37 C.F.R. 1.47(b) applicant must make the oath required by 37 C.F.R. 1.63 and 1.64 or 1.175. Where a corporation is the 37 C.F.R. 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. *Staeger v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *In re Striker*, 182 USPQ 507 (Comm'r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 C.F.R. 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 C.F.R. 1.47(b).

(B) The 37 C.F.R. 1.47(b) applicant must state his or her relationship to the inventor as required by 37 C.F.R. 1.64.

(C) The application must be accompanied by proof that the inventor (1) cannot be found or reached after a diligent effort or (2) refuses to execute the application papers. See MPEP §409.03(d).

(D) The last known address of the inventor must be stated. See MPEP §409.03(e).

(E) The 37 C.F.R. 1.47(b) applicant must make out a *prima facie* case (1) that the invention has been assigned to him or her or (2) that the inventor has agreed in writing to assign the invention to him or her or (3) otherwise demonstrate a proprietary interest in the subject matter of the application. See MPEP §409.03(f).

(F) The 37 C.F.R. 1.47(b) applicant must prove that the filing of the application is necessary (1) to pre-serve the rights of the parties or (2) to prevent irreparable damage. See MPEP §409.03(g).

Thus, a registered practitioner signing on behalf of the assignee, must state affirmatively that the practitioner is authorized to so sign. (MPEP §409.03(b)).

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

The commentary at MPEP §409.03(d) provides:

409.03(d) Proof of Unavailability or Refusal

INVENTOR CANNOT BE REACHED

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 C.F.R. §1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.

The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 C.F.R. §1.47.

Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 C.F.R. §1.47. 37 C.F.R. §1.43 may be available under these circumstances. See MPEP §409.02. Such a petition under 37 C.F.R. §1.47 will be dismissed as inappropriate.

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

REFUSAL TO JOIN

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

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

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

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

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

declaration, that reason should be stated in the petition.

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

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

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

CONCLUSION

Petitioner's attention is directed to the closing item(s) set forth in the background as that/those to be addressed in any renewed petition.

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

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

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

By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

By hand: Mail Stop: Petition

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[3] See: MPEP 409.03(b).

[4] On July 15, 2005, the Central Facsimile (FAX) Number was changed to (571) 273-8300. Faxes sent to the old number are not routed to the new number, 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.

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

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

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

[6] 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

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JUN 12 2008

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of	:	
Morrison	:	DECISION ON PETITION
Application No.: 11/648,947	:	
Filed: 3 January, 2007	:	
Attorney Docket No.: 11723-004-999 (073704-999	:	

This is the decision in response to the petition under 37 C.F.R. §1.47(b), filed on 27 March, 2008.

> **NOTE**: Petitioner's papers of 27 March, 2008, are virtually identical to the filing of 13 March, 2007. There appears little if any documentary evidence that Petitioner in fact made an effort in support of the requirement of diligence to ascertain a reasonably-believed to be last known/current/valid address for the non-signing inventor. This condition is exacerbated by the fact that Petitioner appears to misidentify the non-signing inventor as "James Morris," rather than as James Morrison as he is named in the application. Petitioner must overcome this deficiency in any future renewed petition in this matter.

The petition under 37 C.F.R. §1.47(b) is **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 C.F.R. §1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND**

WILL RESULT IN ABANDONMENT OF THE APPLICATION. Any extensions of time will be governed by 37 C.F.R. §1.136(a).

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

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

Once again, Applicant lacks proof that the non-signing inventor cannot be reached after **diligent** effort (or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings)), and thus the statement of the last known address of the non-signing inventor remains in question. Moreover, while there previously has been a petition fee submitted, Petitioner is cautioned to ensure that the proper and current upon refilling as been identified and paid. It would appear that Petitioner previously has submitted proof of proprietary interest, and allegation of irreparable damage.

Petitioner's attention is directed to the guidance provided in the Commentary in the Manual of Patent Examining Procedure, including that at MPEP §409.03 and §409.03(b), §409.03(d), §409.03(e), §409.03(f), and §409.03(g).

BACKGROUND

The record indicates:

The instant application was filed on 3 January, 2007, without, *inter alia*, a fully executed oath/declaration.

On 7 February, 2007, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required.

On 13 March, 2007, Petitioner Brent A. Lovejoy (Reg. No. 42,813) filed, *inter alia*, the original petition, however, there was little if any evidence of the diligent effort to inquire as to a reasonably believed to be last known/current/valid address for the non-signing inventor (so as to satisfy the requirement that the non-signing inventor was presented with the application papers (specification, claims and drawings)—and the petition was dismissed on 27 September, 2007.

The instant petition was filed six months later on 27 March, 2008, and—as indicated above—the papers submitted appear not only to be the same in number but also virtually identical in content to the original filing and further provided no additional information as to the matter of diligent effort—thus to provide a reasonably believed to be last known/current/valid address for the non-signing inventor, James Morrison. Moreover, the perception of this weakness was reinforced by not only by Petitioner's apparent misidentification of the non-signing inventor as "James

Morris"—see the Affidavit in support of 27 March, 2008—but also by it appears that of the 119 pages submitted on both occasions (including therein the two-page petition, a three-page statement by Petitioner, a two page statement by Alex Lightman as to the corporate history and James Morrison, two copies of the two-page oath/declaration, a letter and unsigned receipt card, and four or more section coversheets), approximately 37 pages were copies of the application (description, claims abstract, drawings), and 68 reflected corporate transactions/acquisitions.

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 petition under 37 C.F.R. §1.47(b) 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

[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.

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

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
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

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

COPY MAILED

DEC 26 2007

OFFICE OF PETITIONS

In re Application of	:	
Mahender Macha	:	
Application No. 11/648,971	:	DECISION ON PETITION
Filed: January 3, 2007	:	PURSUANT TO
Attorney Docket No.: MAC5-PT001	:	37 C.F.R. § 1.181(A)
Title: INJECTABLE IMPLANTS FOR	:	
TISSUE AUGMENTATION AND	:	
RESTORATION	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a), filed on November 7, 2007, to withdraw the holding of abandonment.

The petition is **GRANTED**.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed February 8, 2007, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on April 9, 2007. A notice of abandonment was mailed on October 23, 2007.

RELEVANT PORTIONS OF THE C.F.R. AND M.P.E.P.

37 C.F.R. § 1.8(b) sets forth, *in toto*:

> (b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
>
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
>
> (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

M.P.E.P. § 503 sets forth, in pertinent part:

> If a receipt for any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. To ensure the receipt of return receipt postcards, users must either: (A) purchase already stamped postcards from the United States Postal Service (USPS) or affix postage stamps to their postcards; or (B) if a postage meter is used, ensure that the meter postmark does not show the date. Any return receipt postcard containing a dated meter postmark may not be delivered by the USPS to the address provided on the postcard. >Users are reminded that they are solely responsible for placing the proper postage on self-addressed postcards that are submitted to the USPTO for the purpose of obtaining a receipt for correspondence being filed in the USPTO. Users should check with the USPS regarding postage and what size cards are acceptable to the USPS. Any return receipt postcard that does not contain sufficient postage or is not acceptable may not be delivered by the USPS to the address provided on the postcard, and, if returned to the USPTO, may be discarded.
>
> The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

ANALYSIS

With the present petition, Petitioner has asserted that a response was received in the Office on April 9, 2007. Petitioner has submitted a copy of a postcard receipt, which evinces that a "Response to Notice to File Corrected Application Papers and Replacement Drawings 1-7" were received in the Office on April 9, 2007.

Moreover, Petitioner has submitted a copy of this response, and it is noted that it contains a certificate of mailing dated April 4, 2007.

Upon review of the electronic file, replacement drawings consisting of Figures 1-7 have not been located. However, the evidence is convincing that this response was timely submitted, and was subsequently misplaced in the Office.

CONCLUSION

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

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[1].

Paul Shanoski
Senior Attorney
Office of Petitions

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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www.uspto.gov

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

10/15/09

In re Application of:
MACHA, MAHENDER
Serial No.: 11/648,971
Filed: Jan. 3, 2007
Docket: MAC5-PT001
Title: INJECTABLE IMPLANTS FOR TISSUE AUGMENTATION AND RESTORATION

DECISION ON PETITION

This is a decision on the petition filed on June 25, 2009 seeking withdrawal of restriction and examination of claims 1-4 of the Group I invention due to a telephone election error occurred on October 9, 2008. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is dismissed as untimely.

In the June 25, 2009 petition, the petitioner requests withdrawal of the restriction requirement and examination of Group I claims 1-4 because petitioner believes the examiner made a mistake in examining the non-elected claims 5-17. In particular, petitioner alleges that during the telephone conversation with the examiner on or about October 9, 2008, petitioner elected Group I invention, claims 1-4 which are related to heart treatment. The inventor is a highly-regarded heart surgeon. There is no reason for the inventor to elect other related inventions at this time. However, it must be noted that petitioner produced no evidence that the examiner has indeed made an error in accepting the election of Group II invention during the telephone conversation on or about October 9, 2009 and subsequently examined the wrong claims.

A review of the record shows that the instant petition was filed more than seven months after the mailing date of the non-final Office action of October 29, 2008 in question. Pursuant to 37 CFR 1.181(f)[1], the petition is not timely filed since the petition was not filed within two months of the

[1] 37 CFR 1.181(f): The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

action complained of. As the petition was not timely filed, the requested withdrawal of the restriction requirement to examine claims 1-4 will not be granted.

In view of the record, petitioner's request to withdraw the restriction requirement and examine claims 1-4 is dismissed as untimely.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3738 for consideration of the amendment filed on August 26, 2009. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED AS UNTIMELY.

Donald T. Hajec, Director
Technology Center 3700

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
11/648,980	01/03/2007	Makoto Soyama	02008/312002

CONFIRMATION NO.
6651

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

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

MAIL

NOV 05 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
CHO, DONG-KYOON, et al.
Application No. 11/649,020
Filed: January 3, 2007
Attorney Docket No. 678-2941 (P15157)

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 29, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with item 2 above in that although a translation of the claims has been submitted, the petition fails to include a copy of the actual allowable/patentable claims from the KIPO application.

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

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

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

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of
CHO, DONG-KYOON, et al.
Application No. 11/649,020
Filed: January 03, 2007
Attorney Docket No.: 678-2941 (P15157)

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 29, 2008 and November 14, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

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

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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

Mail Date: 04/21/2010

Applicant	: Dong-Kyoon Cho	: DECISION ON REQUEST FOR
Patent Number	: 7646803	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/649,020	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/03/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **396** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

GEORGE S. COLE, ESQ.
495 SEAPORT COURT, SUITE 101
REDWOOD CITY CA 94063

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SEP 0 4 2007

OFFICE OF PETITIONS

In re Application of	:	
David O. McGoveran	:	DECISION
Application No. 11/649089	:	ON PETITION
Filing or 371(c) Date: 12/31/2006	:	
Title of Invention:	:	
COMPUTER-IMPLEMENTED METHOD	:	
FOR TRANSLATING AMONG MULTIPLE	:	
REPRESENTATIONS AND STORAGE	:	
STRUCTURES	:	

This is a decision in response to the "Petition for Date of Deposit for the Above-identified Application", filed April 6, 2007, requesting the above-identified application be accorded a filing date of December 31, 2006. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1]

The petition is **granted**.

Background

The application was filed on December 31, 2006. On February 7, 2007, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

The present petition

Applicant responds with the present petition and avers that 1) the PTO did not distinguish which Continuation-In-Part ("CIP") application filed on December 31, 2006 was given which serial number. Applicant states that on December 31, 2006 he filed two applications using Express Mail. Applicant avers that the Notice identified the applications by serial number, and not by title. For the above-identified application, Applicant asserts that the allegedly omitted drawings

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

were in fact deposited with this Office on December 31, 2006, by virtue of incorporation of prior application 10/114,609 by reference.

Applicant requests a refund of the petition fee, and states that efforts to resolve the matter by telephone were unsuccessful.

A review of the application file

Applicant's arguments and evidence have been considered. However, it is controlling that a review of the application file confirms that as-filed the application contained at least one method claim.

Application filing date

As stated in MPEP § 601.01(f), it is the practice of the PTO to treat an application that contains at least one process, method or composition claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

This, pursuant to MPEP § 601.01(f), a drawing is not considered essential for a filing date. The application is entitled to a filing date without drawings present in the application.

In applications filed without all of the drawing figure(s) referred to in the specification, the MPEP § 601.01(g) states that a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the Notice mailed February 7, 2007, was mailed in error and is hereby withdrawn.

Priority Claim (Petition under 37 CFR 1.57(a))

The MPEP 601.01(f) further provides that

> As an alternative to a petition under 37 CFR 1.53(e), if the drawing(s) was inadvertently omitted from an application filed on or after September 21, 2004, and the application contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or

> international application, that was present on the filing date of the application, and the inadvertently omitted drawing(s) is completely contained in the prior-filed application, the applicant may submit the omitted drawing(s) by way of an amendment in compliance with 37 CFR 1.57(a). The amendment must be by way of a petition under 37 CFR 1.57(a)(3) accompanied by the petition fee set forth in 37 CFR 1.17(f). See MPEP § 201.17. (Emphasis supplied).

Applicant is advised that a petition is not necessary in this instance to add the omitted figures.

37 CFR 1.57(a), incorporation by reference, provides a method whereby an applicant may amend an application to include an inadvertently omitted portion of the specification or drawing(s). However, where a filing date has been accorded an application, a petition is not necessary to add the omitted portion of the specification or drawing(s). "If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f)." 37 CFR 1.57(a)(3). (Emphasis supplied).

The Manual of Patent Examining Procedure ("MPEP") also provides that

> If an application as originally filed included a proper explicit incorporation by reference statement (or an explicit incorporation by reference statement that has been made effective under 37 CFR 1.57(g)), the omitted specification page(s) and/or drawing figure(s) may be added by amendment provided the omitted item(s) contains only subject matter in common with a document that has been properly incorporated by reference. If the Office identified the omitted item(s) in a "Notice of Omitted Item(s)," applicant need not respond to the "Notice of Omitted Item(s)." Applicant should, however, submit the amendment adding the omitted material prior to the first Office action to avoid delays in the prosecution of the application. See MPEP § 601.01(d) and § 601.01(g). (Emphasis supplied).

MPEP 201.06(c)(IV)(B).

No petition is required. Applicant may add the omitted figure by way of amendment under 37 CFR 1.57, and without a petition. The amendment to include the inadvertently omitted drawings will be considered by the Examiner.

Refund request, and efforts to resolve the matter by telephone

A refund of the petition fee has been scheduled via Treasury Check.

Regarding the efforts to resolve the matter via telephone, Applicant is advised that, as provided in 37 CFR 1.2,

> [a]ll 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.

Conclusion

This application is being referred to the Office of Initial Patent Examination, Customer Corrections, for:

- correction of the filing date to December 31, 2006,
- an indication that no drawings were present or required on filing, and
- for issuance of a corrected filing receipt.

Entry of the Amendment filed April 6, 2007 will be determined by the Examiner.

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

Charles Pearson
Director
Office of Petitions

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GEORGE S. COLE, ESQ.
495 SEAPORT COURT, SUITE 101
REDWOOD CITY CA 94063

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OFFICE OF PETITIONS

In re Application of	:	
David O. McGoveran	:	DECISION
Application No. 11/649090	:	ON PETITION
Filing or 371(c) Date: 12/31/2006	:	
Title of Invention:	:	
COMPUTER-IMPLEMENTED METHOD	:	
FOR MANAGING THROUGH SYMBOLIC	:	
ABSTRACTION OF A MEMBERSHIP	:	
EXPRESSION MULTIPLE LOGICAL	:	
REPRESENTATIONS AND STORAGE	:	
STRUCTURES	:	

This is a decision in response to the "Petition for Date of Deposit for the Above-identified Application", filed April 6, 2007, requesting the above-identified application be accorded a filing date of December 31, 2006. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1]

The petition is **granted**.

Background

The application was filed on December 31, 2006. On February 7, 2007, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

The present petition

Applicant responds with the present petition and avers that 1) the PTO did not distinguish which Continuation-In-Part ("CIP") application filed on December 31, 2006 was given which serial number. Applicant states that on December 31, 2006 he filed two applications using Express Mail. Applicant avers that the Notice identified the applications by serial number, and not by

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

title. For the above-identified application, Applicant asserts that the allegedly omitted drawings were in fact deposited with this Office on December 31, 2006, by virtue of incorporation of prior application 10/114,609 by reference.

Applicant requests a refund of the petition fee, and states that efforts to resolve the matter by telephone were unsuccessful.

A review of the application file

Applicant's arguments and evidence have been considered. However, it is controlling that a review of the application file confirms that as-filed the application contained at least one method claim.

Application filing date

As stated in MPEP § 601.01(f), it is the practice of the PTO to treat an application that contains at least one process, method or composition claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

This, pursuant to MPEP § 601.01(f), a drawing is not considered essential for a filing date. The application is entitled to a filing date without drawings present in the application.

In applications filed without all of the drawing figure(s) referred to in the specification, the MPEP § 601.01(g) states that a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the Notice mailed February 7, 2007, was mailed in error and is hereby withdrawn.

Priority Claim (Petition under 37 CFR 1.57(a))

The MPEP 601.01(f) further provides that

> As an alternative to a petition under 37 CFR 1.53(e), if the drawing(s) was inadvertently omitted from an application filed on or after September 21, 2004, and the application

> contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted drawing(s) is completely contained in the prior-filed application, the applicant may submit the omitted drawing(s) by way of an amendment in compliance with 37 CFR 1.57(a). The amendment must be by way of a petition under 37 CFR 1.57(a)(3) accompanied by the petition fee set forth in 37 CFR 1.17(f). See MPEP § 201.17. (Emphasis supplied).

Applicant is advised that a petition is not necessary in this instance to add the omitted figures.

37 CFR 1.57(a), incorporation by reference, provides a method whereby an applicant may amend an application to include an inadvertently omitted portion of the specification or drawing(s). However, where a filing date has been accorded an application, a petition is not necessary to add the omitted portion of the specification or drawing(s). "If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f)." 37 CFR 1.57(a)(3). (Emphasis supplied).

The Manual of Patent Examining Procedure ("MPEP") also provides that

> If an application as originally filed included a proper explicit incorporation by reference statement (or an explicit incorporation by reference statement that has been made effective under 37 CFR 1.57(g)), the omitted specification page(s) and/or drawing figure(s) may be added by amendment provided the omitted item(s) contains only subject matter in common with a document that has been properly incorporated by reference. If the Office identified the omitted item(s) in a "Notice of Omitted Item(s)," applicant need not respond to the "Notice of Omitted Item(s)." Applicant should, however, submit the amendment adding the omitted material prior to the first Office action to avoid delays in the prosecution of the application. See MPEP § 601.01(d) and § 601.01(g). (Emphasis supplied).

MPEP 201.06(c)(IV)(B).

No petition is required. Applicant may add the omitted figure by way of amendment under 37 CFR 1.57, and without a petition. The amendment to include the inadvertently omitted drawings will be considered by the Examiner.

Refund request, and efforts to resolve the matter by telephone

A refund of the petition fee has been scheduled via Treasury Check.

Regarding the efforts to resolve the matter via telephone, Applicant is advised that, as provided in 37 CFR 1.2,

> [a]ll 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.

Conclusion

This application is being referred to the Office of Initial Patent Examination, Customer Corrections, for:

- correction of the filing date to December 31, 2006,
- an indication that no drawings were present or required on filing, and
- for issuance of a corrected filing receipt.

Entry of the Amendment filed April 6, 2007 will be determined by the Examiner.

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

Charles Pearson
Director
Office of Petitions

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SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

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OFFICE OF PETITIONS

In re Patent No. 7,520,157 :
Issue Date: April 21, 2009 :
Application No. 11/649,118 : ON PETITION
Filed: January 3, 2007 :
Attorney Docket No. 20603 :

This is a decision on the petition filed May 8, 2009, under 37 CFR 3.81(b)[1] to add the assignee's name on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **granted.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3210. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This application is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] See Official Gazette of June 22, 2004

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BROUSE MCDOWELL LPA
388 SOUTH MAIN STREET
SUITE 500
AKRON OH 44311

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OFFICE OF PETITIONS

In re Application of

LINDSAY, Derek
Application No. 11/649,123
Filed: December 31, 2006
Attorney Docket No. **30515.41984**

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 31, 2008.

The request is **APPROVED**.

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

The request was signed by Heather Barnes on behalf of all attorneys of record who are associated with customer No. 26781. All attorneys/agents associated with the Customer Number 26781 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 inventor at the first copied address below until otherwise properly notified by the applicant.

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **DEREK LINDSAY**
21001 STATE ROUTE 739
RAYMOND OH 43067-9705

cc: **EMERSON, THOMSON & BENNETT**
777 WEST MARKET STREET
AKRON OH 44303

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WARD AND SMITH, P.A.
1001 COLLEGE COURT
P.O. BOX 867
NEW BERN NC 28563-0867

MAILED

MAR 2 9 2010

OFFICE OF PETITIONS

In re Application of :
Ioan Mihai Oara et al. :
Application No. 11/649,134 : DECISION ON PETITION
Filed: January 3, 2007 : TO WITHDRAW
Attorney Docket No. : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 25, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor. This change has been made in order to avoid subsequent correspondence being directed to an incorrect address or to a practitioner who has not been appointed as practitioner of record by the applicant.

Accordingly, the request to withdraw from record cannot be approved because the request does not include a forwarding address. When filing a renewed request the address change should be 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 a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted to update the application file.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/649,155	12/27/2006	1635	0.00	YX2003-01CON	98	10

CONFIRMATION NO. 6506

c/o Ben Wang
706 Colorado Ave.
Palo Alto, CA 94303

CORRECTED FILING RECEIPT

OC000000023126216

Date Mailed: 03/29/2007

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

Applicant(s)

Yuquan Wei, Chengdu, CHINA;
Ling Tian, Chengdu, CHINA;

Assignment For Published Patent Application

Shen Zhen Tsinghua Yuanxing Bio-Pharm Science & Technology Co., Ltd., Shenzhen, CHINA

Power of Attorney:

P. Ben Wang--41420

Domestic Priority data as claimed by applicant

This application is a CON of 10/749,104 12/29/2003 ABN

Foreign Applications

CHINA 200310113054.0 12/25/2003
CHINA 02159602 12/27/2002

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 US11/649,155

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

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Anti-tumor molecular vacine and method of making thereof

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

Mail Date: 04/21/2010

Applicant	: Eun-Ok Lee	: DECISION ON REQUEST FOR
Patent Number	: 7587529	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/649,181	: OF WYETH
Filed	: 01/03/2007	:
		:

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

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

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

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

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

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

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

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

or

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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David Scott
12509 Morgan Road
Hudson FL 34669

JAN 29 2007

In re Application of: SCOTT Serial No.: 11/649,189 Filed: January 3, 2007 Title: AIR INTAKE SYSTEM	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on January 3, 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 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.

As noted in the policy statement referenced above, any petition to make special filed on or after the effective date must meet the new requirements set forth in the 71 Fed. Reg. 36323 notice. Applications filed before the effective date will not be eligible for the revised accelerated examination program. The effective date of the change in practice was August 25, 2006. Thus the instant petition must be reviewed under the revised practice and the instant application is ineligible.

The petition appears on its face to have been filed without recognition of the August 25, 2006 policy change to the petition to make special program. The changes to the program are substantial. A copy of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) is being attached to the mailed decision for petitioner's review. Further guidance may be found at www.USPTO.gov under the accelerated examination link.

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

Any inquiry regarding this decision should be directed to J. Harrison, TC 3700 Special Program Examiner, at (571) 272-4449.

J. Harrison
Special Program Examiner
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE of Data Management

EDWARD P. DUTKIEWICZ, P.A.
EDWARD P. DUTKIEWICZ
P.O. Box 937
Dade City FL 33526

JAN 27 2009

In re Application of :
SCOTT, DAVID :
Application No. 11/649,189 : **DECISION ON PETITION**
Filed: May 9, 2007 :
Attorney Docket No. :

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) via facsimile transmission on December 1, 2008.

The petition is **DISMISSED**.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed July 30, 2008. The Notice of Abandonment, mailed on November 24, 2008.

Petitioner states that on October 17, 2008 check number 2621 in the amount of $720.00 was sent to the Patent and Trademark Office for payment of the issue fee.

In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

MPEP 503 (postcard receipt as prima facie evidence0
Certificate of Mailing under 37 CFR 1.8(b)
"Express Mail" Mailing under 37 CFR 1.10

MPEP 503 states the following:

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all items listed thereon on the date stamped thereon by the USPTO.

Unfortunately MPEP 503 is not applicable since there is no record of receipt of the Return Receipt Postcard, which if received in the Office would have been stamped (referred to as "Office Date" stamp) acknowledging receipt of the items identified thereon.

Provisions under 37 CFR 1.8(b) requires that the petitioner (1) promptly inform the Office of the previous timely mailing or transmission after becoming aware that the Office has no evidence or receipt of the correspondence, (2) supply copies of the previously mailed correspondence with certificate of mailing thereon, and (3) include a statement which attests to the previous timely mailing.

The holding of abandonment cannot be withdrawn as this time.

Although this petition for withdrawal of the holding of abandonment is being dismissed, other petition remedies are available for bringing about the withdrawal of the holding of abandonment.

File a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). Forms are available at USPTO website http://www.uspto.gov.

- Under 37 CFR 1.13(a), a petition for the revival of an *unavoidably* abandoned
- Under 37 CFR 1.137 (b), petition for the revival of an *unintentionally*

Further correspondence with respect to the petition for revival under 37 CFR 1.137 should be directed to the Office of Petition at 703-305-9282 or addressed as follows:

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

Telephone inquiries concerning this decision may be directed to the undersigned at 703-308-9250 ext. 175.

Kay Pinkney
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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EDWARD P. DUTKIEWICZ, P.A.
EDWARD P. DUTKIEWICZ
P.O. Box 937
Dade City FL 33526

MAILED

JUN 0 4 2009

OFFICE OF PETITIONS

In re Application of	:	
David Scott	:	
Application No. 11/649,189	:	DECISION ON PETITION
Filed: January 3, 2007	:	
Attorney Docket No. N/A	:	

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**.

This application became abandoned for failure to timely pay the issue fee on or before October 30, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed July 30, 2008. Accordingly, the date of abandonment of this application is October 31, 2008. The Notice of Abandonment was mailed November 24, 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 $755, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

The request to refund the $810 for the filing of this petition under unintentional provisions is hereby 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 $810. See 37 CFR 1.27.

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

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

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

Mail Date: 04/21/2010

Applicant	: Shih-Yi Su	: DECISION ON REQUEST FOR
Patent Number	: 7647566	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/649,220	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/04/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **415** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUGHRUE MION PLLC
2100 PENNSYLVANIA AVENUE NW
SUITE 800
WASHINGTON DC 20037

MAILED

APR 27 2010

OFFICE OF PETITIONS

In re Application of	:	
June Kawashima	:	
Application No. 11/649,250	:	ON REQUEST FOR
Filed: January 4, 2007	:	RECONSIDERATION OF
Attorney Docket Number: Q99194	:	PATENT TERM ADJUSTMENT

This is a decision on the petition under 37 CFR 1.705(b), filed January 19, 2010. Applicant believes that the correct total PTA to date is not 591 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment, but rather 591 days plus the amount of days from January 4, 2010 until the date the application issues as a patent.

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

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

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

Rather than file a request for reconsideration of patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, 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, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

Receipt of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment is acknowledged.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d).

The application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Cliff Congo at (571) 272-3207.

Anthony Knight
Director
Office of Petitions

[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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

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OFFICE OF PETITIONS

In re Application of	:	
Satoshi Oohira, et al.	:	
Application No. 11/649,280	:	DECISION GRANTING PETITION
Filed: January 4, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 01-1361	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 29, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 7, 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 2862 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

COPY MAILED

JAN 27 2010

In re Application of :

KOKUTA, Hiroshi et al. :
Application No. 11/649,289 : DECISION ON PETITION
Filed: January 04, 2007 : TO WITHDRAW
Attorney Docket No. **KOKUTA004CIP** : FROM RECORD
:

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 03, 2009.

The request is **APPROVED**.

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

The request was signed by Sean Mcginn on behalf of all attorneys of record who are associated with customer No. 21254. All attorneys/agents associated with the Customer Number 21254 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 Hiroshi Kokuta 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: **KOKUTA HIROSHI**
667-1-103, AMANUMA CHIGASAKI-SHI
KANAGAWA 253-0004

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625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant	: Shih-Ping Hsu	: DECISION ON REQUEST FOR
Patent Number	: 7598610	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/649,295	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/04/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **395** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/29/09

TO SPE OF : ART UNIT 3723

SUBJECT : Request for Certificate of Correction for Appl. No.: 11649330 Patent No.: 7377838 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 Director/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

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

Comments: _____

EILEEN P. MORGAN 3723

Demark Office

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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.
11/649,333	01/03/2007	Bernd Gobelt	1238.032US1	4412

21186 7590 08/10/2009

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

EXAMINER	
PEZZUTO, HELEN LEE	

ART UNIT	PAPER NUMBER
1796	

NOTIFICATION DATE	DELIVERY MODE
08/10/2009	ELECTRONIC

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

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

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

uspto@slwip.com
request@slwip.com

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
WWW.USPTO.GOV

Mailed: 8/10/09

DWW

In re Application of Bernd Göbelt et al.
Serial No.: 11/649,333
Filed: January 3, 2007

DECISION ON PETITION UNDER *37 CFR 1.48(a)*

Title: COPOLYMERS COMPRISING THREE SEGMENTS OF DIFFERENT ION DENSITY, PROCESSES FOR PREPARING THEM AND USE THEREOF

This is a decision on the PETITION TO CORRECT INVENTORSHIP IN A NON-PROVISIONAL PATENT APPLICATION filed December 1, 2008 to correct inventorship under 37 CFR 1.48(a) by adding the name of Jürgen Omeis and Sabine Johann to the list of inventors of the instant application.

It is noted that the applicant has met the requirements of 37 C.F.R. § 1.48(a) by (1) submitting a request to correct the inventorship that sets forth the desired inventorship change; (2) providing a statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) providing a declaration of the actual inventors as required by 37 C.F.R. § 1.63; and (4) providing the processing fee set forth in 1.17(i). It is also noted that since no assignment has been executed by the originally named inventors, written assent of assignee is not needed.

The request is **GRANTED**.

The application file is being forwarded to the appropriate section of the Patent and Trademark Office for correction of the record.

D Wu

David Wu
Supervisory Patent Examiner
Art Unit 1796
Technology Center 1700

SCHWEGMAN, LUNDBERG
& WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402

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

March 18, 2009

Douglas J. Christensen
Patterson, Thuente, Skaar & Christensen
4800IDS Center
80 South 8th Street
Minneapolis, MN 55402-2100

Patent No.: 7,490,637 B2
Application No.: 11/649,346
Inventor(s): Jerry A. Speasl, et al.
Issued: February 17, 2009
Title: **TRANSPORTABLE CONTAINER INCLUDING AN INTERNAL ENVIORNMENT MONITOR**

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:

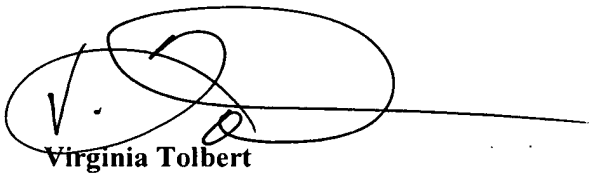
A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) 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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PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

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OFFICE OF PETITIONS

ON PETITION

In re Patent No. 7,490,637 :
Application No. 11/649,346 :
Filed: January 3, 2007 :
Issued: February 17, 2009 :
Attorney Docket No. 3251.24US03 :

This is a decision on the petition filed June 23, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

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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PATTERSON, THUENTE, SKAAR &
CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

In re Application of:
Barrett Morgan
Application No. 11/649351
Filing or 371(c) Date: 01/03/2007
Atty. Docket No.: 3864.01US02

: LETTER OF CANDOR REGARDING
: PATENT TERM ADJUSTMENT

This letter is in response to the "PATENT TERM ADJUSTMENT LETTER OF CANDOR AND GOOD FAITH," 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 3, 2009 indicated that the above-identified application was entitled to a PTA of 43 days. Applicant advises that the initial determination of patent term adjustment of 43 days may extend the term of the patent by too many days.

Further to the adjustments totalling 123 days and the reductions totalling 80 days accorded at the time of allowance, review of the record reveals that the Office errantly neglected to assess a reduction of 86 days in accordance with 37 CFR 1.704(c)(8) in connection with the Supplemental Information Disclosure Statement ("IDS"), filed February 25, 2009. The reduction commenced December 2, 2008, the day after the date that the first supplemental reply (IDS) was filed, and ended February 25, 2009, the date that the second supplemental reply (IDS) was filed. In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **zero (0) days**, (123 days of PTO delay, reduced by 166 days (61 + 19 + 86) of applicant delay), subject to any terminal disclaimer.

Given the basis for granting this petition, no fee has been charged. The Office thanks applicants for their candor and good faith in bringing this matter to the attention of the Office.

The file is being forwarded to the Office of Data Management for processing into a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

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

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

Enclosure: Updated PAIR Screen

Day : Sunday
Date: 8/30/2009

PALM INTRANET

Time: 22:47:33

PTA Calculations for Application: 11/649351			
Application Filing Date:	01/03/2007	PTO Delay (PTO):	123
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	80
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-86		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
49	08/30/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		86	
42	04/03/2009	MAIL NOTICE OF ALLOWANCE	22		28
41	04/02/2009	ISSUE REVISION COMPLETED			
40	04/02/2009	DOCUMENT VERIFICATION			
39	04/02/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
38	04/02/2009	CASE DOCKETED TO EXAMINER IN GAU			
37	03/30/2009	NOTICE OF ALLOWABILITY			
34	12/01/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
33	02/25/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
32	02/25/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
31	12/01/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		19	28
30	12/01/2008	REFERENCE CAPTURE ON IDS			
29	01/16/2009	DATE FORWARDED TO EXAMINER			
28	11/12/2008	RESPONSE AFTER NON-FINAL ACTION		61	25
27	11/12/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
26	12/01/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
25	06/12/2008	MAIL NON-FINAL REJECTION	101		-1
24	06/09/2008	NON-FINAL REJECTION			
23	01/17/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
22	05/16/2008	CASE DOCKETED TO EXAMINER IN GAU			

21	03/12/2008	CASE DOCKETED TO EXAMINER IN GAU			
20	01/17/2008	REFERENCE CAPTURE ON IDS			
19	01/17/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	01/17/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	08/22/2007	CASE DOCKETED TO EXAMINER IN GAU			
15	08/09/2007	PG-PUB ISSUE NOTIFICATION			
14	05/25/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	05/15/2007	APPLICATION DISPATCHED FROM OIPE			
12	05/15/2007	APPLICATION DISPATCHED FROM OIPE			
11	05/02/2007	SENT TO CLASSIFICATION CONTRACTOR			
10	05/03/2007	APPLICATION IS NOW COMPLETE			
7	04/11/2007	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
6	04/11/2007	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	02/07/2007	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
4	01/29/2007	CLEARED BY OIPE CSR			
3	01/29/2007	CASE CLASSIFIED BY OIPE			
2	01/13/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	01/03/2007	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to OASIS | Home page

DRAFT DO NOT ENTER

CLAIMS

1. A surgical instrument comprising:

an instrument shaft having proximal and distal ends;

a tool disposed from the distal end of the instrument shaft;

a control handle coupled from the proximal end of the instrument shaft;

a distal bendable member for coupling the distal end of said instrument shaft to said tool;

a proximal bendable member for coupling the proximal end of said instrument shaft to said control handle;

actuation means extending between said distal and proximal bendable members for coupling motion of said proximal bendable member to said distal bendable member for controlling the positioning of said tool;

and a locking mechanism for fixing the position of the tool at a selected position;

said locking mechanism including a ball and socket arrangement disposed about said proximal bendable member and a locking member for locking said ball and socket arrangement and having locked and unlocked states;

said control handle having a proximal end and a distal end;

said ball and socket arrangement including an annular member integral with the distal end of the control handle, having an outer surface for support of the locking member thereabout and having an inner surface defining a spherical shaped socket;

said ball and socket arrangement further including a hollow ball member having an internal hollow chamber and an outer spherical shaped surface that mates with the spherical shaped socket;

said hollow ball member supported within said socket and constructed and arranged to contact the proximal bendable member with at least a portion of the proximal bendable member disposed in the internal hollow chamber of the hollow ball member.

2. A surgical instrument comprising:

an instrument shaft having proximal and distal ends;

a tool disposed from the distal end of the instrument shaft;

a control handle coupled from the proximal end of the instrument shaft;

a distal bendable member for coupling the distal end of said instrument shaft to said tool;

a proximal bendable member for coupling the proximal end of said instrument shaft to said control handle;

actuation means extending between said distal and proximal bendable members for coupling motion of said proximal bendable member to said distal bendable member for controlling the positioning of said tool;

a locking mechanism for fixing the position of the tool at a selected position and having locked and unlocked states;

said control handle including an annular member having an outer surface for support of the locking mechanism thereabout and having an inner surface defining a spherical shaped socket;

a hollow ball member having an internal hollow chamber and an outer spherical shaped surface that mates with the spherical shaped socket;

said hollow ball member supported within said socket and constructed and arranged to contact the proximal bendable member with at least a portion of the proximal bendable member disposed in the internal hollow chamber of the hollow ball member;

said locking mechanism in the locked state compressing the socket relative to the ball member so as to fix the position of the proximal bendable member.

DRAFT DO NOT ENTER

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Csaba Truckai
19566 Arden Court
Saratoga CA 95070

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JAN 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Csaba Truckai :
Application No. 11/649,377 : DECISION ON PETITION
Filed: January 3, 2007 :
Attorney Docket No. TR-00900 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 30, 2007, 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 26, 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 27, 2007. A Notice of Abandonment was mailed on November 9, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration, and filing fees, (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay.

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

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received

Charlema Grant
Petitions Attorney
Office of Petitions

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RANDY J GERLACH
50 ARDENDALE DR.
DALY CITY CA 94014

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OFFICE OF PETITIONS

In re Application of :
Randy J. GERLACH :
Application No. 11/649,378 : DECISION ON PETITION
Filed: January 03, 2007 :
Attorney Docket No. **GLAC01** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 03, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 01, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed August 31, 2009. Accordingly, the date of abandonment of this application is December 01, 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.

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.

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.

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 Office of Data Management for processing into a patent.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **ARIEL BENTOLIA**
BAY AREA INTELLECTUAL PROPERTY GROUP, LLC
P.O. BOX 210459
SAN FRANCISCO CA 94121-0459

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

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In re Application of :
Frank Sauer, et. al. :
Application No. 11/649,391 : ON PETITION
Filed: January 3, 2007 :
Attorney Docket No. :
2006P02156US01/DBP/V

This is a decision on the petition under 37 CFR 1.137(b), filed on December 11, 2007, to revive the above-identified application.

The application became abandoned for failure to file a response to the Notice to File Missing Parts of Nonprovisional Application, mailed February 26, 2007. A Notice of Abandonment was mailed on November 9, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an executed oath/declaration with the $130 surcharge; (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 Patent Application Processing for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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ISELIN NJ 08830

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OFFICE OF PETITIONS

In re Application of :
Frank SAUER, et al :
Application No. 11/649,391 : DECISION ON PETITION
Filed: January 3, 2007 :
Attorney Docket No. 2006P02156 US01 :

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

The petition is **GRANTED**.

The application became abandoned for failure to timely file corrected drawings on or before October 19, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed July 17, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 20, 2009. A Notice of Abandonment was mailed on October 30, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Robert Janian
3845 Ballina Canyon Road
Encino, CA 91436

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OFFICE OF PETITIONS

In re Application of :
Robert Janian :
Application No. 11/649,402 : DECISION ON PETITION
Filed: January 3, 2007 : TO WITHDRAW
Attorney Docket No. 06-17710 : FROM RECORD
:

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 2, 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 applicant cannot file a withdrawal of attorney. The attorney of record files withdrawals of attorney. If the applicant wishes to remove the attorney of record, the applicant must file a Revocation of Power of Attorney.

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

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Cislo & Thomas, LLP**
233 Wilshire Blvd.
Suite 900
Santa Monica, CA 90401-1211

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JACKSONVILLE FL 32202-3336

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JUN 0 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Lawrence E. Bodkin, Sr.	:	
Application No. 11/649,412	:	DECISION ON PETITION
Filed: January 4, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. D-7745	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 4, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the applicant's birth certificate 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 3677 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/649,494	01/03/2007	An-Chi Wei	1131/222	7047

46852 7590 12/10/2009

LIU & LIU
444 S. FLOWER STREET, SUITE 1750
LOS ANGELES, CA 90071

EXAMINER	
WILLIAMS, JOSEPH L	

ART UNIT	PAPER NUMBER
2889	

NOTIFICATION DATE	DELIVERY MODE
12/10/2009	ELECTRONIC

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

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

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

wliu@liulaw.com
julien@liulaw.com
docket@liulaw.com

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LIU & LIU
444 S. FLOWER STREET
SUITE 1750
LOS ANGELES, CA 90071

In re Application of:
An-Chi Wei
Serial No.: 11/649,494
Filed: 01/03/2007
Attorney Docket No.: 1131/222
Title: LIGHT EMITTING DEVICE WITH OPTICAL ENHANCEMENT STRUCTURE

DECISION *SUA SPONTE* WITHDRAWING THE HOLDING OF ABANDONMENT

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

A Notice of Abandonment was mailed on 10/29/2009. The application was held abandoned for failure to timely file a proper reply to the Non-Final Office Action mailed on 02/23/2009. The Non-Final Office Action set a three (3) month period for response.

A review of the application record reveals an amendment and a petition for one month of extension of time along with appropriate fees were received on 06/23/2009. The amendment and petition for three month extension of time were timely since they were filed within the six month statutory period for response.

Accordingly, the Notice of Abandonment mailed on 10/29/2009 is hereby VACATED and the holding of abandonment is withdrawn.

The Amendment filed on 06/23/2009 will be entered and forwarded to the examiner for further examination.

Any inquiries regarding this decision should be directed to Toan Ton at (571) 272-2303.

Richard Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical Systems/Components

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

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APR 17 2008

OFFICE OF PETITIONS

In re Application of :
J. Michael JOSEPH :
Application No. 11/649,517 : DECISION ON PETITION
Filed: September 9, 2004 :
Attorney Docket No.6006-037 :

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 application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 10, 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 July 11, 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, (2) the petition fee of $1,540; and (3) an adequate 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 Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 3752 for appropriate action by the Examiner in the normal course of business on the reply received November 23, 2007.

April Wise
Petitions Examiner
Office of Petitions

cc: CANAVAN & MONKA LLC
62 GROVE STREET
SOMERVILLE, NJ 08876

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80 SOUTH 8TH ST
MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of :
Mary L. Brown :
Application Number: 11/649522 :
Filing Date: 01/03/2007 :
Attorney Docket Number: 33727.3 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on April 1, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on November 13, 2008, for failure to timely respond to the non-final Office action mailed on August 12, 2008, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on March 4, 2009.

On March 23, 2009, the subject petition was filed, along with a request for continued examination (RCE) and an amendment.

---

[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)).

NOTICE OF IMPROPER RCE FILING

Petitioner is notified that since prosecution of this application is not closed, the filing of an RCE is improper. See 37 CFR 1.114. MPEP 706.07(h) states, in pertinent part that if prosecution in the application is not closed, applicant will be notified of the improper RCE and any amendment/reply will be entered. Thereafter, the application will be forwarded to the examiner for consideration of the amendment/reply under 37 CFR 1.111.

The RCE will not be entered, and the RCE fee will be credited to counsel's deposit account.

The application is referred to the Technology Center for consideration of the amendment filed on April 1, 2009.

The application is referred to Technology Center Art Unit 3765 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

UNITED STATES DEPARTMENT OF COMMERCE
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RADER, FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS, MI 48304-0610

Mail Date: 04/21/2010

Applicant	: James L. Oliver	: DECISION ON REQUEST FOR
Patent Number	: 7647997	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/649,548	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/04/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **29** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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NEW YORK NY 10008-0770

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JUL 16 2009

OFFICE OF PETITIONS

In re Application of :
Lan Huang :
Application Number: 11/649558 : ON PETITION
Filing Date: 01/04/2007 :
For: SYNTHESIS OF (1)-BETA-ELEMENE, (-)-BETA-ELEMENAL, (-)-BETA-ELEMENOL, (-)-BETA-ELEMENE FLUORIDE AND THEIR ANALOGUES, INTERMEDIATES, AND COMPOSITION AND USES THEREOF :

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION and the CONDITIONAL PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b),[1] both filed on June 16, 2009.

---

[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

The petition to withdraw the holding of abandonment is **DISMISSED**.

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

This application became abandoned on December 27, 2008, for failure to timely submit a response to the final Office action mailed on September 26, 2008, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on April 16, 2009.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Petitioner asserts that the final Office action mailed on September 26, 2008 was never received. In support, a declaration has been provided by Lan Huang, the inventor and Chief Scientific Officer of Long Range International Limited (USA) Inc. (hereinafter "LRI"), who states that he was prosecuting the application *pro se* at the time the final Office action was mailed. Petitioner also included an affidavit by Lucinda Chen, an employee of LRI. Ms. Chen states that she was responsible for opening and forwarding mail all received at LRI to the appropriate employee. Ms. Chen states that had the final Office action been received at LRI, it would have been forwarded to Mr. Huang.

A review of the record indicates no irregularity in the mailing of the final Office action mailed on September 26, 2008, and in the absence of any irregularity in the mailing, there is a strong presumption that the final Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the final Office action was not in fact received.

MPEP 711.03(c) states:

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of

---

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

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).

The showing of record is insufficient to warrant withdrawal of the holding of abandonment. As stated above, 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.

The showing of record indicates that no docketing system was used by LRI and/or Huang to track Office correspondence. Further, petitioners have not included a copy of practitioner's records (e.g., a docket record and/or mail log) where the non-received final Office action would have been entered and docketed had it been received. In the absence of evidence supporting a showing that the final Office action mailed on September 26, 2008 was not received, the petition to withdraw the holding of abandonment must be **dismissed**.

PETITION UNDER 37 CFR. 1.137(b)

In view of counsel's request that if the petition to withdraw the holding of abandonment is not granted in the alternative, a petition under 37 CFR 1.137(b) be considered to be filed, the petition is granted.

As such, petitioner's conditional appeal to the Board of Patent Appeals and Interferences will be construed as a Notice of Appeal.

The petition fee and Notice of Appeal fee will be charged to counsel's deposit account as authorized in the subject petition.

The Notice of Appeal filed on June 16, 2009, has been entered and made of record. Accordingly, the two (2)-month period for filing the Appeal Brief, accompanied by the fee required by law, runs from the date of this decision.

The application is forwarded to Technology Center Art Unit 1621 for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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333 EARLE OVINGTON BOULEVARD
SUITE 701
UNIONDALE NY 11553

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OFFICE OF PETITIONS

In re Application of :
Hwang et al. :
Application No. 11/649585 :
Filing or 371(c) Date: 01/04/2007 :
Attorney Docket Number: :
678-894 CON (P10220-CON) : ON PETITION

This is a decision on the Petition Under 37 CFR 1.181(a) to Withdraw Holding of Abandonment Under 37 CFR 1.181," filed December 26, 2007.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers (Notice), mailed February 7, 2007. The Notice set a two (2) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on April 8, 2007. A Notice of Abandonment was mailed October 25, 2007.

Applicant's Assertion

Applicant files the present petition and asserts that a timely response to the Notice was filed on April 11, 2007 (Certificate of Mailing dated April 9, 2007). In support of this assertion, applicant files a copy of the response, which includes a Certificate of Mailing under 37 CFR 1.8, dated April 9, 2007, executed by Ryan C. Carter, along with a copy of a return-receipt postcard which acknowledges receipt by this Office of the response, by this Office on April 11, 2007.

A review of Office records reveals that this Office received the response on April 11, 2007.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to the Offoce of Initial Patent Application Processing for processing of the response, and for continued processing in due course..

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SAN FRANCISCO CA 94102

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OFFICE OF PETITIONS

In re Application of
Leung
Application No. 11/649,618
Filed: January 3, 2007
Attorney Docket No. A02400

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(b)

This is in response to the "Petition Under 37 CFR 1.47(b), filed January 3, 2007.

The petition is **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(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

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

(1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor.
(5) proof of proprietary interest: and
(6) proof of irreparable damage.

Applicant lacks items (1) and (5) set forth above.

As to item (1), the declaration of Jessica King, Administrative Assistant for Altera Corporation, is incomplete. The referenced UPS tracking summary for the package mailed on October 11, 2006 to Mr. Leung's last known address is missing. Please provide a copy of the UPS tracking summary in a reconsideration petition.

As to item (5), Rule 47 applicant has failed to show or provide proof that Altera Corporation has sufficient proprietary interest in the subject matter to justify the filing of the application (see MPEP 409.03(f)). Acceptable proof would include a copy of the employment agreement

between the non-signing inventor and the Rule 47(b) applicant (company), a copy of an assignment agreement showing that the invention disclosed in the application is assigned to the Rule 47(b) applicant, or a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 47(b) applicant.

The referenced copy of Mr. Leung's employment agreement with Altera Corporation, which purportedly serves to assign Mr. Leung's rights in the above-identified patent application, is missing from the petition. It is noted that a copy of an employment agreement between Mr. Leung and Altera Corporation was submitted concurrently with the petition for recordation in Assignments Division.

Applicant is reminded that since different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects. 37 CFR 1.4(d) The Office requests that a copy of the employment agreement be submitted in a reconsideration petition.

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

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions

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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FEB 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Leung	:	DECISION ACCORDING STATUS
Application No. 11/649,618	:	UNDER 37 CFR 1.47(b)
Filed: January 3, 2007	:	
Attorney Docket No. A02400	:	

This is in response to the reconsideration petition under 37 CFR 1.47(b), filed January 7, 2008

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor, Vincent Leung, has constructively 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(b). This application is hereby accorded Rule 1.47(b) status.

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

This application is being referred to Technology Center A.U. 2827 for examination in due course.

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
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VINCENT LEUNG
1214 22ND AVENUE
SAN FRANCISCO CA 94122

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FEB 19 2008

OFFICE OF PETITIONS

In re Application of :
Leung :
Application No. 11/649,618 : LETTER
Filed: January 3, 2007 :
Attorney Docket No. A02400 :

Dear Mr. Leung:

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

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

Telephone inquiries regarding this communication should be directed to the undesigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: G. VICTOR TREYZ
FLOOD BUILDING
870 MARKET STREET, SUITE 984
SAN FRANCISCO CA 94102

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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BRUCE E. WEIR
12 SPARROW VALLEY COURT
MONTGOMERY VILLAGE MD 20886-1265

MAILED

JUL 14 2009

OFFICE OF PETITIONS

In re Application of
Kam C. Lau
Application No. 11/649,657
Filed: November 4, 2007
Attorney Docket No. 0235

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 2, 2008 and supplemented on April 8, 2009.

The request is **APPROVED**.

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

The request was signed by Bruce E. Weir, on behalf of all practitioners of record who are associated with Customer Number 32366.

All attorneys/agents associated with the Customer Number 32366 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Non-Final Office action mailed April 6, 2009, that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to Alicia Kelley at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: KAM C. LAU
15000 JOHN HOPKINS DRIVE
ROCKVILLE, MD 20850

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Paper No.

Raymond Sun
Law Offices of Raymond Sun
12420 Woodhall Way
Tustin CA 92782

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DEC 26 2007

OFFICE OF PETITIONS

In re Application of :
Yu Zheng :
Application No. 11/649,673 : DECISION ON PETITION
Filed: January 4, 2007 : UNDER 37 C.F.R. § 1.181
Attorney Docket No.: PAT-1192CIP3DIVCON2 :
Title: COLLAPSIBLE STRUCTURES HAVING OVERLAPPING SUPPORT LOOPS :

This is a decision on the petition filed on November 5, 2007, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed April 13, 2007, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 14, 2007. A notice of abandonment was mailed on October 18, 2007.

RELEVANT PORTION OF THE M.P.E.P..

Section 503 of the M.P.E.P., entitled "Application Number and Filing Receipt," sets forth, *in pertinent part*:

RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

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

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the postcard initialed by the person receiving the items.

Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as prima facie evidence of receipt of that item in the USPTO.

ANALYSIS

With the present petition, Petitioner has asserted that a response was submitted to the Office on October 8, 2007. Petitioner has submitted a copy of this submission, along with a postcard receipt that establishes that both a "Combined Amendment & Petition for Extension of Time" and a "Check in amount of $525 for ext. of time" were received in the Office on October 12, 2007.

Moreover, Petitioner has further included a copy of this submission, and it is noted that it contains a certificate of mailing dated October 8, 2007.

Additionally, it is noted that this same response has been located in the electronic file; therefore, it is clear that this response was received on October 12, 2007. Furthermore, Office records confirm that the fee that is associated with the filing of a request for a three-month extension of time was received in the Office on October 12, 2007.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a response was timely submitted.

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

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 response to the non-final Office action that was received on October 12, 2007 can be processed.

It is noted that Petitioner has submitted a petition fee along with this submission. There is no fee for the filing of a petition pursuant to this section of the C.F.R., and as such, this fee will be refunded via the preparation of a Treasury Check in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[1]. All other inquiries

---

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 Petitioner's further action(s).

concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions

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SALT LAKE CITY UT 84110

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SEP 24 2007

OFFICE OF PETITIONS

In re Application of :
Koopmans and Mroz :
Application No. 11/649,712 :
Filed: January 3, 2007 :
Attorney Docket No. 2183-7921.1US :
For: Animal Model For Type II Diabetes Mellitus And Syndrome X And Methods And Uses Thereof :

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

This is a decision on the petition under 37 CFR 1.47(a), filed May 10, 2007.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fee is required for the request. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

MPEP 409.03(a) states, with emphasis added,

> 37 CFR 1.47(a) and 35 U.S.C. 116, second paragraph, requires all available joint inventors to file an application "on behalf of" themselves and on behalf of a joint inventor who "cannot be found or reached after diligent effort" or who refuses to "join in an application." ...
>
> All the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602, § 605.01, and § 1414) and (2) make oath or declaration on behalf of the nonsigning joint inventor as required by 37 CFR 1.64. An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank *may* be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), *unless otherwise indicated.*

The "Added Page To Combined Declaration ..." states the declaration is being signed by the assignee, not the other inventor, on behalf of the non-signing inventor. However, 37 CFR 1.47(a) does not permit an assignee to sign on behalf of a non-signing inventor. Therefore, the petition cannot be granted.

Petitioner may wish to supply a declaration that does not include a page indicating the assignee is signing on behalf of the non-signing inventor. The available inventor may sign the declaration and the signature block of the nonsigning inventor may be left blank. The request for reconsideration should explicitly request the Office accept the declaration signed by Koopman on his own behalf and on behalf of 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
Attn: Office of Petitions

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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MAR 27 2008

In re Application of :
Koopmans and Mroz :
Application No. 11/649,712 :
Filed: January 3, 2007 :
Attorney Docket No. 2183-7921.1US :
For: Animal Model For Type II Diabetes :
Mellitus And Syndrome X And :
Methods And Uses Thereof :

Decision According Status
Under 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed October 22, 2007.

The petition is **granted**.

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

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

Technology Center Art Unit 1632 will be informed of the instant decision to ensure the examiner is aware the declaration has been accepted despite the declaration only including the signature of one of the inventors.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/21/2010

Applicant	: Mamoru Senna	: DECISION ON REQUEST FOR
Patent Number	: 7597868	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/649,715	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/04/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/23/2010

Applicant	: Mike Rothe	: DECISION ON REQUEST FOR
Patent Number	: 7705130	: RECALCULATION of PATENT
Issue Date	: 04/27/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/649,722	: OF WYETH
Filed	: 01/03/2007	:
		:

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

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

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

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

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

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

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

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

or

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

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

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

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

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

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THOMAS A. O'ROURKE
BODNER & O'ROURKE LLP
425 BROADHOLLOW ROAD
MELVILLE, NY 11747

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DEC 07 2009

OFFICE OF PETITIONS

In re Application of :
Luke Liang :
Application No. 11/649,729 : ON PETITION
Filed: January 4, 2007 :
Attorney Docket No. :

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

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 25, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on November 26, 2008.

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

This matter is being referred to Technology Center AU 3673 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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JJGJr : 12-07

JENKINS, WILSON,
TAYLOR & HUNT, P. A.
3100 TOWER BLVD., Suite 1200
DURHAM NC 27707

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DEC 18 2007
OFFICE OF PETITIONS

In re Application of :
Haynes, et al. :
Application No. 11/649,744 : DECISION
Filed: 4 January, 2007 :
Attorney Docket No. 1392/10/3/3 :

This is a decision on the papers considered as a petition filed on 20 August, 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 4 January, 2007, 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 18 January, 2007 the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;

- on 20 August, 2007, and Petitioner Christopher P. Perkins (Reg. No. 52,111), filed, *inter alia*, the petition with an oath/declaration signed by co-inventors Ms. Andon and Messrs Haynes, Yates, Washburn Deciu and Ulaszek on behalf of themselves and non-signing co-inventor Jing Wei (Mr. Wei) and Petitioner's statement as to and correspondence evidencing 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. Wei (noted as an enclosure with the letter of 10 August, 2007) as required by statute, regulation and practice of the Office, and that the non-signing inventor has failed to join in the oath/declaration, with other showings consistent with the guidance in the Commentary at MPEP §409, et seq., and (in light of at-door delivery herein) an Office search on ATT/Anywho indicates an address for the non-signing inventor consistent with that set forth by Petitioner.

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.[1]
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.

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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.
Senior Attorney
Office of Petitions

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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.

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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OCT 26 2009

OFFICE OF PETITIONS

In re Application of :
Derek J. Webb :
Application No. 11/649,797 : DECISION ON PETITION
Filed: January 5, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 2674-164 (AMK) :

This is a decision on the petition filed June 25, 2009, under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of the prior-filed non-provisional applications as set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

The reference to add the prior-filed application on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. 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).

The specification provided on filing did not incorporate by reference non-provisional application nos. 09/918,517, 09/464,778, 09/118,067, 08/889,919 and 08,504,023 as does the amendment filed

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either a Supplemental Application Data Sheet (signed in compliance with 37 CFR 1.33(b) and in compliance with 37 CFR 1.76) or a substitute amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

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

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

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

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

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Supervisor
Office of Petitions

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

Mail Date: 04/21/2010

Applicant	: Derek J. Webb	: DECISION ON REQUEST FOR
Patent Number	: 7631874	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/649,797	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/05/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **223** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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JAGTIANI + GUTTAG
10363-A DEMOCRACY LANE
FAIRFAX, VA 22030

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OFFICE OF PETITIONS

In re Application of	:	
Susan HUNTER et al	:	
Application No. 11/649,801	:	DECISION ON PETITION
Filed: January 5, 2007	:	TO WITHDRAW
Attorney Docket No. INPH-0012-UT1	:	FROM RECORD

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 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. 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).

Steven B. Kelber has been withdrawn as attorney of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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Paper No: __

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OFFICE OF PETITIONS

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of
Kwon, et al.
Application No. 11/649,847
Filed: 5 January, 2007
Attorney Docket No. Q92591

DECISION ON PETITION

This is a decision on the petition filed on 20 April, 2007, and considered under 37 C.F.R. §1.53.

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

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

BACKGROUND

The instant application was deposited on 5 January, 2007.

On 20 February, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items (to wit: "page 19 of the specification (description and claims)", and thus, the application had been accorded a filing date without that page.

OIPE indicated that Petitioner might:

- contend via petition that page 19 of the specification (description and claims) had been submitted on deposit and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the drawing; or

- submit the page 19 of the specification (description and claims) missing and accept the date of submission as the filing date of the application.

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

On 20 April, 2007, Petitioner submitted the instant petition, including therewith, *inter alia*, what is averred to be a true copy of page 19 of the specification (description and claims), along with a copy of Petitioner's date-stamped ("010507") receipt card.

ANALYSIS

A search of the official file reveals that:

- on 5 January, 2007, Petitioner deposited the instant application;

- the Office record reflects that page 19 of the specification (description and claims) was missing upon deposit.

- the date-stamped ("010507") receipt card evidences—in pertinent part–the following:

* * *

Pgs. Spec./Abst: 26 # Claims 26 (Emphasis supplied)

***

Because Petitioner's receipt card adequately itemized the contents of the application as to the pages deposited, it is concluded that the application, including page 19 of the specification (description and claims), was deposited with the Office on 5 January, 2007, and page 19 of the specification (description and claims) subsequently was misplaced in the Office.

Accordingly, the application, including page 19 of the specification (description and claims), is entitled to a filing date of 5 January, 2007.

The Notice mailed on 20 February, 2007, was sent in error and is hereby **vacated** to the extent that it stated that the application was filed omitting page 19 of the specification (description and claims).

CONCLUSION

The petition is **granted**; the petition fee waived and it appears that none was charged—should Petitioner later find a fee charged, Petitioner should send a refund request to Office of Finance with a copy of this decision.

This application is released to OIPE for further processing with a filing date of 5 January, 2007, for the entire application including page 19 of the specification (description and claims), with pages 1 – 26 of the specification (description, claims, abstract), and 6 sheets of drawings described in the specification, using:

- **pages 1 – 18 and 20 - 26 of the specification (description, claims, abstract) and 6 sheets of drawings deposited on 5 January, 2007; and**

- **page 19 of the specification (description and claims) deposited on 20 April, 2007; and further**

with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 5 January, 2007, and reflecting therein that 26 pages of specification (description, claims, abstract) and 6 sheets of drawings were present on filing.

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

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

---

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

§1.2 Business to be transacted in writing.

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

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Guice Patents PLLC
12647 Galveston Court #302
Manassas VA 20112

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OFFICE OF PETITIONS

In re Application of :
Yuan Lin :
Application No. 11/649,886 : ON PETITION
Filed: January 5, 2007 :
Attorney Docket No. 4616-0005 :

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 December 22, 2008. A Notice of Abandonment was mailed April 16, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $755 for payment of the issue fee and $300 for payment of the publication fee; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

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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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Martin Lechner	: DECISION ON REQUEST FOR
Patent Number	: 7621245	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/649,918	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/04/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **92** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/649,923	01/05/2007	Hisatoshi Hirota	063484	7636

7590 12/04/2008

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER	
NORMAN, MARC E	

ART UNIT	PAPER NUMBER
3744	

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.

Nomi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
12/04/2008 NFARMER 0000165375

CHECK Refund Total: $800.00

Adjustment date: 12/04/2008 NFARMER
01/08/2007 RWOLDGEI 00000053 11649923
02 FC:1111 -500.00 OP
04 FC:1202 -300.00 OP

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T.L. GARRETT, PLC
P.O. BOX 1065
FENTON, MI 48430

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JUL 31 2007

OFFICE OF PETITIONS

In re Application of :
Michael O. Brown :
Application No. 11/649,926 : DECISION GRANTING PETITION
Filed: December 22, 2006 :
Attorney Docket No. ISC-00020-003 :

This is a decision on the petition filed March 19, 2007, requesting that the above-identified application be accorded a filing date of December 22, 2006, instead of the presently accorded date of December 26, 2006.

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 22, 2006. The petition is accompanied by, inter alia, a copy of the USPS Track/Confirm record showing that the package bearing Express Mail label No. EQ 928664035 US was enroute from the Flint, MI location on December 22, 2006, at 5:00pm. The same Express Mail receipt number appears on the Application Transmittal Letter found in the file.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on December 22, 2006.

The petition is GRANTED.

The application is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **December 22, 2006**.

Telephone inquiries concerning this matter 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

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LAW OFFICES OF ERIC KARICH
2807 St. Mark Drive
Mansfield, TX 76063

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MAR 01 2010

In re Application of	:	
Ron Meiry	:	
Application No. 11/649,978	:	DECISION ON PETITION
Filed: January 5, 2007	:	TO WITHDRAW
Attorney Docket No. 0514-07UA	:	FROM RECORD
	:	

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 4, 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 Eric Karich on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed November 2, 2009 that requires a reply from the applicant.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Ron Meiry**
2368 N. Vallejo Way
Upland, CA 91784

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/649,978	01/05/2007	Ron Meiry	0514-07UA

CONFIRMATION NO. 6904

POWER OF ATTORNEY NOTICE

21704
LAW OFFICES OF ERIC KARICH
2807 ST. MARK DR.
MANSFIELD, TX 76063

Date Mailed: 02/26/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/04/2009.

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

/tsjohnson/

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

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ROPES & GRAY LLP
PATENT DOCKETING 39/41
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

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FEB 21 2008

OFFICE OF PETITIONS

In re Application of :
Peng ZHOU, et al :
Application No. 11/650,006 : DECISION ON PETITION
Filed: January 5, 2007 : TO WITHDRAW
Attorney Docket No. 103310-P01-003 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 21, 2007.

The request is **NOT APPROVED**.

The Office cannot approve the request at this time since the reason provided does not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "a practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office." More specifically, 37 CFR 10.40 states, "if paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, pursuant to instructions: all patent prosecution work has been transferred, does not meet any of the conditions set forth in 37 CFR 10.40.

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

There are no outstanding Office actions pending at the current time.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

Cc: BOND, SCHOENECK & KING, PLLC
WILLIAM GREENER
10 BROWN ROAD, SUITE 201
ITHACA, NY 14850-1248

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APR 17 2008

OFFICE OF PETITIONS

In re Application of :
Peng ZHOU, et al :
Application No. 11/650,006 : DECISION ON PETITION
Filed: January 5, 2007 : TO WITHDRAW
Attorney Docket No. 103310-P01-003 : 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 4, 2008.

The request is **APPROVED**.

A review of the file record indicates that Edward J. Kelly: (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, Edward J. Kelly 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).

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

There are no outstanding Office actions pending at the present time.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: BOND, SCHOENECK & KING, PLLC
WILLIAM GREENER
10 BROWN ROAD, SUITE 201
ITHACA, NY 14850-1248

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/650,006	01/05/2007	Peng Zhou	103310-P01-003

CONFIRMATION NO. 7486

28120
ROPES & GRAY LLP
PATENT DOCKETING 39/41
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

POWER OF ATTORNEY NOTICE

Date Mailed: 03/27/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/04/2008.

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

/dcgoodwyn/

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

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INC.
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN NJ 07962-2245

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OFFICE OF PETITIONS

In re Application of

Matthew W. Panko

Application No. 11/650,018

Filed: January 5, 2007

Attorney Docket No. H28298

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 1, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 19, 2008, which set a period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on November 20, 2008.

The amendment filed April 1, 2009, is noted.

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 instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application,

the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

The application is being forwarded to Technology Center 2800, GAU 2887 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

cc:
Robert D. Lott
Hiscock & Barclay, LLP
2000 HSBC Piz.
100 Chestnut Street
Rochester, NY 14604-2404

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/21/2010

Applicant	: Frank Edward Brown	: DECISION ON REQUEST FOR
Patent Number	: 7610683	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/650,025	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/05/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **322** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

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AUG 25 2009

OFFICE OF PETITIONS

In re Application of	:	
Daniel Benyamin	:	DECISION ON PETITION
Application No. 11/650,033	:	TO WITHDRAW
Filed: January 5, 2007	:	FROM RECORD
Attorney Docket No. P07035US	:	

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

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

A review of the file record indicates that on July 6, 2009 the power of attorney to Harman – Brinks Hofer Chicago 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: The Eclipse Group LLP
10605 Balboa Blvd., Suite 300
Granada Hills CA 91344

UNITED STATES PATENT AND TRADEMARK OFFICE

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295 MADISON AVENUE
NEW YORK, NY 10017

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SEP 20 2007

OFFICE OF PETITIONS

In re Application of :
Gabriele Lioce :
Application No. 11/650,051 : DECISION ON PETITION
Filed: January 4, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 4, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a declaration by the applicant and photocopies of driver's license and medicare card. 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 3618 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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TREYZ LAW GROUP
870 MARKET STREET, SUITE 984
SAN FRANCISCO CA 94102

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JUL 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert W. Schlub et al	:	
Application No. 11/650,071	:	DECISION GRANTING PETITION
Filed: January 4, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. P4885US1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 20, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 16, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

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

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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

Mail Date: 04/21/2010

Applicant	: Robert W. Schlub	: DECISION ON REQUEST FOR
Patent Number	: 7595759	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/650,071	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/04/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

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JUN 11 2007

OFFICE OF PETITIONS

In re Application of :
MARTIN H. GRAHAM :
Application No. 11/650,098 : DECISION ON PETITION
Filed: January 05, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 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 a statement by Martin H. Graham, 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 2816 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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COURTNEY STANIFORD & GREGORY LLP
10001 N. De Anza Blvd., Suite 300
Cupertino, CA 95014

Mail Date: 04/21/2010

Applicant	: David Fisch	: DECISION ON REQUEST FOR
Patent Number	: 7619944	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/650,101	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/05/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **166** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SAWYER LAW GROUP LLP
P O BOX 51418
PALO ALTO, CA 94303

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MAR 17 2008

In re Application of

GODARD, Benoit et al.
Application No. 11/650,104
Filed: January 05, 2007
Attorney Docket No. **3965P**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 03, 2008.

The request is **APPROVED**.

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

The request was signed by Joseph A. Sawyer, Jr. on behalf of all attorneys of record who are associated with customer No. 29141. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding office actions at this time.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **BENOIT GODARD**
535, AVENUE DE LA BAGATELLE
RESIDENCE LES HELIADES
13090 AIX EN PROVENCE, FRANCE

cc: **SCHWEGMAN, LUNDBERG & WOESSNER / ATMEL**
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 Avenue of the Americas
New York, NY 10036

Mail Date: 04/20/2010

Applicant	: Jeffrey J. Terlizzi	: DECISION ON REQUEST FOR
Patent Number	: 7589536	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/650,130	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/05/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 Avenue of the Americas
New York, NY 10036

Mail Date: 05/17/2010

Applicant : Jeffrey J. Terlizzi
Patent Number : 7589536
Issue Date : 09/15/2009
Application No: 11/650,130
Filed : 01/05/2007

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **47** 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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Trellis Intellectual Property Law Group, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

Mail Date: 07/15/2010

Applicant	: Fusun Ertemalp	: DECISION ON REQUEST FOR
Patent Number	: 7653063	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/650,158	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/05/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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MAR 17 2008

In re Application of :
Miller, Gayle W. Jr. et al. :
Application No. 11/650,164 : DECISION ON PETITION
Filed: January 05, 2007 : TO WITHDRAW
Attorney Docket No. **3364P** : FROM RECORD
:

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 02, 2008.

The request is **APPROVED**.

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

The request was signed by Joseph A. Sawyer, Jr. on behalf of all attorneys of record who are associated with customer No. 29141. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed January 24, 2008 that requires a reply from the applicant.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **GAYLE W. MILLER, JR.**
140 BECKWITH DR.
COLORADO SPRINGS, COLORADO 80906

cc: **SCHWEGMAN, LUNDBERG & WOESSNER / ATMEL**
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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Schwegman, Lundberg & Woessner/Atmel
P.O. Box 2938
Minneapolis, MN 55402

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OFFICE OF PETITIONS

In re Application of :
Gayle W. Miller, Jr. et al. :
Application No. 11/650,164 : DECISION ON PETITION
Filed: January 5, 2007 :
Attorney Docket No. 2800.698US1 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 11, 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 November 13, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed August 13, 2008. Accordingly, the date of abandonment of this application is November 14, 2008. A Notice of Abandonment was mailed on December 11, 2008.

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

Applicant should note that the issue fee payment applied on February 11, 2009 included an increase due to our fee changes that were effective as of October 2, 2008.

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

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

Carl Friedman
Petitions Examiner
Office of Petitions

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ONE MICROSOFT WAY
REDMOND WA 98052-6399

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MAR 25 2008

OFFICE OF PETITIONS

In re Application of :
Migos et al. :
Application No. 11/650167 :
Filing or 371(c) Date: 01/05/2007 :
Attorney Docket Number: :
319100.01 : ON PETITION

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed January 8, 2008.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed February 7, 2007. The Notice 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 April 8, 2007. A Notice of Abandonment was mailed October 25, 2007.

Applicant files the present petition and oath/declaration 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 in the form of the oath/declaration and late filing fee oath/declaration; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice in due course.

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

Derek L. Woods
Attorney
Office of Petitions

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HONEYWELL INTERNATIONAL INC.
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN NJ 07962-2245

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AUG 27 2007

OFFICE OF PETITIONS

In re Application of	:	
Adam Fierro	:	
Application No. 11/650,181	:	DECISION GRANTING PETITION
Filed: January 5, 2007	:	
Attorney Docket No. H0012652	:	

This is a decision on the petition under 37 CFR 1.10(d), filed March 22, 2007, requesting that the above-identified application be accorded a filing date of January 4, 2007, rather than the presently accorded date of January 5, 2007. This petition is properly treated under 37 CFR 1.10(c).

Applicants request the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on January 4, 2007 pursuant to 37 CFR 1.10. In support, applicants have submitted a copy of Express Mail label No. EV888077658US showing a stamped postal date of January 4, 2007. The same Express Mail receipt number was placed on the original patent application transmittal letter of record in the official file.

To substantiate petitioner's assertion that the package in question was deposited with the USPS as Express Mail on January 4, 2007 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 January 4, 2007 at the USPS. Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on January 4, 2007. Accordingly, the instant application is entitled to a filing date of January 4, 2007, and has been so accorded.

The petition is **granted**.

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

This application is being forwarded to the Office of Initial Patent Examination for processing with a filing date of **January 4, 2007**.

Charlema R. Grant

Charlema Grant
Petitions Attorney
Office of Petitions

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LOS ANGELES
555 WEST FIFTH STREET SUITE 3500
LOS ANGELES, CA 90013-1024

Mail Date: 04/21/2010

Applicant	: Christoph Horst Krah	: DECISION ON REQUEST FOR
Patent Number	: 7622950	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/650,184	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/03/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **39** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

DLA PIPER US LLP
153 TOWNSEND STREET
SUITE 800
SAN FRANCISCO, CA 94107-1957

COPY MAILED

FEB 2 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Stelios TZANNIS	:	
Application No. 11/650,227	:	DECISION ON PETITION
Filed: January 5, 2007	:	TO WITHDRAW
Attorney Docket No. 359831-991301/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 November 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 Gerald T. Sekimura on behalf of all attorneys/agents of record associated with Customer Number 29585.

All attorneys/agents of record associated with Customer Number 29585 have been withdrawn.

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

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

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no 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: STELIOS TZANNIS
35241 WYCOMBE PL.
NEWARK, CA 94560

BEYER WEAVER, LLP
500 12TH STREET
OAKLAND, CA 94607

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
11/650,227	01/05/2007	Stelios Tzannis	359831-991301/US

CONFIRMATION NO. 7470

POWER OF ATTORNEY NOTICE

29585
DLA PIPER US LLP
153 TOWNSEND STREET
SUITE 800
SAN FRANCISCO, CA 94107-1957

OC000000028531812

Date Mailed: 02/28/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/19/2007.

- 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.

/dcgoodwyn/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WEAVER, AUSTIN, VILLENEUVE & SAMPSON, LLP
ATTN: ACELRX
P.O. BOX 70250
OAKLAND, CA 94607-0250

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JUN 09 2008

In re Application of	:	
Andrew I. Poustiatine, et al.	:	
Application No. 11/650,230	:	DECISION ON PETITION
Filed: January 5, 2007	:	TO WITHDRAW
Attorney Docket No. ACRXP003C	:	FROM RECORD
	:	

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 19, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Weaver, Austin, Villeneuve & Sampson, LLP has been revoked by the assignee of the patent application on April 23, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: ACELRX PHARMACEUTICALS, INC.
575 CHESAPEAKE DRIVE
REDWOOD CITY, CA 94063

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

THEODORE J. BIELEN JR.
BIELEN, LAMPE, & THOEMING
1390 WILLOW PASS ROAD
SUITE 1020
CONCORD CA 94520

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DEC 19 2007

OFFICE OF PETITIONS

In re Application of :
SHERRIE BENSON, :
Application No. 11/650,240 : DECISION ON PETITION
Filed: 01/04/2007 :
Attorney Docket No. 14776 :

This is a decision on the petition filed November 5, 2007, to withdraw the holding of abandonment for the above-identified application.

On February 7, 2007, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, which set a two-month period for reply. Applicant did not obtain an extension of time pursuant to 37 CFR 1.136(a). In the absence of a timely filed response, the application was held abandoned on April 8, 2007. A Notice of Abandonment was mailed on October 25, 2007.

In the present petition, the practitioner requested that the Office withdraw the holding of abandonment due to non-receipt of the Notice to File Missing Parts.

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

be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail (*e.g.* if the practitioner has a history of not receiving Office communications).

After reviewing the documents submitted on petition, the Office concludes that the showing of record is sufficient to warrant withdrawal of the holding of abandonment. The practitioner for applicant submitted copies of docket records where the Notice to File Missing Parts would have been entered had it been received and docketed. The practitioner attested to the fact that a search of the file jacket and docket records indicated that the Notice to File Missing Parts was not received. Accordingly, applicant presented the required showing under 37 CFR 1.181.

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

The Office acknowledges receipt of the executed declaration and the surcharge in response to the Notice to File Missing Parts.

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

Telephone inquiries related to this decision may 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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JJGJR.: 08-07

Paper No: __

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SEP 0 4 2007

OFFICE OF PETITIONS

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA PA 19103-6996

In re Application of
Brennan, et al.
Application No. 11/650,242
Filed: 5 January, 2007
Attorney Docket No. 38753-236614

ON PETITION

This is a decision on the petition filed on 4 April, 2007, under 37 C.F.R. §1.47(a).

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

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

NOTES:

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

[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.

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

BACKGROUND

The record indicates:

- the instant application was filed on 5 January, 2007, without, *inter alia*, a fully executed oath/declaration;

- on 6 February, 2007, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;

- on 4 April, 2007, Petitioner Gregory J. Lavoragna (Reg. No. 30,469) filed, *inter alia*, the instant petition, an oath/declaration signed by Messrs. Brennen, Truitt, Broadway and Tyndall (for themselves and on behalf of) but without that of non-signing co-inventor Jim Sivori (Mr. Sivori), and Petitioner's statement, which fails to evidence a reasonable and diligent effort to ascertain the last known/reasonably believed current address for the non-signing inventor Mr. Savori, and no indication of delivery of the mailing that was sent, and so to satisfy the statutory and regulatory requirements (see the discussion below).

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

---

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

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

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.
(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—
(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and
(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —
(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

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

---

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

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

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

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

(1) Holding certain facts to have been established;

(2) Returning papers;

(3) Precluding a party from filing a paper, or presenting or contesting an issue;

(4) Imposing a monetary sanction;

(5) Requiring a terminal disclaimer for the period of the delay; or

(6) Terminating the proceedings in the Patent and Trademark Office.

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

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

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

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

The commentary at MPEP §409.03(d) provides:

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

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

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

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

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

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

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

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

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

CONCLUSION

As always, the Rule requires support for the averment of transmittal of the entire application (description, claims, abstract and drawings) to the non-signing inventor to/at current/valid (or at least reasonably last-known/ascertainable) address. The evidence of these requirements (*inter alia*, a copy of the transmittal letter) should be submitted, of course, with any renewed petition–and Petitioner should review the Background section, above, to ensure that all matters raised therein have been addressed.

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

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

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

---

[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 FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

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

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[10]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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

§1.2 Business to be transacted in writing.

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

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

DRINKER BIDDLE & REATH
ATTN : INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

COPY MAILED

OCT 13 2009

OFFICE OF PETITIONS

In re Application of :
Danamichele BRENNEN, et al :
Application No. 11/650,242 : DECISION ON PETITION
Filed: January 5, 2007 : TO WITHDRAW
Attorney Docket No. 38753-236614 : FROM RECORD
:

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 29, 2009.

The request is **NOT APPROVED.**

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

The Request cannot be approved because there is no indication that the acts noted above at items 1 and 3 have been performed.

Further, the Request cannot be approved because no correspondence address for future communications from the Office has been provided.

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

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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OFFICE OF PETITIONS

DRINKER BIDDLE & REATH
ATTN : INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

In re Application of :
Danamichele BRENNEN, et al :
Application No. 11/650,242 : DECISION ON PETITION
Filed: January 5, 2007 : TO WITHDRAW
Attorney Docket No. 38753-236614 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 26, 2009.

The request is **NOT APPROVED.**

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

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address does not include a proper power of attorney nor is the address that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71.

All future communications from the Office will continue to be directed to the above-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

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

IPSG, PC
PO BOX 700640
SAN JOSE, CA 95170-0640

MAILED

MAR 2 9 2010

OFFICE OF PETITIONS

In re Application of
Brett William Degner, et al.
Application No. 11/650,249
Filed: January 4, 2007
Attorney Docket No. P4705US1/APPL-P022

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 5, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to IPSG, PC has been revoked by the assignee of the patent application on December 30, 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: BEYER LAW GROUP LLP/APPLE INC.
P.O. BOX 1687
CUPERTINO CA 95015-1687

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MORRISON & FOERSTER, LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

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JUL 24 2008

OFFICE OF PETITIONS

In re Application of
Tae-Ahn Jahng
Application No. 11/650,260
Filed: January 4, 2007
Attorney Docket No. 559552000104

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 18, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on January 31, 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: BRIAN ROTHERY
STROOCK & STROOCK & LAVAN, LLP
180 MAIDEN LANE
NEW YORK, NY 10038

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Janos Hajko	: DECISION ON REQUEST FOR
Patent Number	: 7608714	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/650,294	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/05/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **130** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MICHAEL A. GUTH
2-2905 EAST CLIFF DRIVE
SANTA CRUZ CA 95062

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FEB 29 2008

OFFICE OF PETITIONS

In re Application of :
Bevirt, et al. :
Application No. 11/650,302 : ON PETITION
Filed: January 5, 2007 :
Attorney Docket No. 1071-US :
For: HEADSET WITH INTERCHANGEABLE EAR PIECES

This is a decision on the petition under 37 CFR 1.137(b), filed January 4, 2008, to revive the above-identified application.

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

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed February 7, 2007, which set a two month shortened statutory period for reply. No proper extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on April 8, 2007. A Notice of Abandonment was mailed on October 25, 2007.

Applicants have submitted a proper reply to the February 7, 2007 Notice in the form of an executed declaration, the basic filing fee, search fee, examination fee, additional claim fees, and surcharge, a proper statement of the unintentional nature of the delay in responding to the February 7, 2007 Notice, and the petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $1,1 filed subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be refunded via a treasury check that will be scheduled shortly.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

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

/Shirene Willis Brantley/

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/650,316	01/05/2007	Andrew L. DiRienzo	236.002US19	7656

27073 7590 02/26/2010
LEFFERT JAY & POLGLAZE, P.A.
P.O. BOX 581009
MINNEAPOLIS, MN 55458-1009

EXAMINER	
ART UNIT	PAPER NUMBER
2173	

NOTIFICATION DATE	DELIVERY MODE
02/26/2010	ELECTRONIC

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

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

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

docketing@ljp-iplaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 25 2010

TECHNOLOGY CENTER 2100

LEFFERT JAY & POLGLAZE, P.A.
P.O. Box 581009
Minneapolis MN 55458-1009

In re Application of:
DIRIENZO, Andrew
Application No. 11/650,316
Filed: January 5, 2007
For: ATTACHED INTEGRATED CLAIMS SYSTEM AND OPERATING METHODS THEREFOR

DECISION ON PETITION UNDER 37 C.F.R. § 1.103(a)

This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on December 17, 2009

The petition is **GRANTED**.

Pursuant to applicant's request filed on December 17, 2009, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of six (6) months from December 17, 2009. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

The required petition fee set forth in 37 CFR 1.17(g) in the amount of $200.00 has been charged to Deposit Account No. 501373 as authorized on page 3 of the petition.

Any inquiry concerning this decision should be directed to Eddie C. Lee whose telephone number is (571) 272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100
(571) 272-1732

UNITED STATES PATENT AND TRADEMARK OFFICE

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FOLEY & LARDNER LLP
1530 PAGE MILL ROAD
PALO ALTO CA 94304

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MAR 23 2007

OFFICE OF PETITIONS

In re Application of :
Lee, et al. :
Application No. 11/650,317 : ON PETITION
Filed: January 4, 2007 :
Attorney Docket No. 327823-1401 :
For: PASSIVATING LAYER FOR PHOTOVOLTAIC CELLS

This is a decision on the correspondence filed February 26, 2007, requesting, in effect, partial withdrawal of the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed February 7, 2007, insofar as is it alleges Figure 19c was omitted. The petition will be treated under 37 CFR 1.53(e).

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

The application was filed on January 4, 2007. However, on February 7, 2007, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of January 4, 2007, and advising applicants, *inter alia*, that Figure 19c described in the specification appeared to have been omitted.

In response, the present petition was timely filed.

The petition does not allege and is not accompanied by any evidence that any sheet of drawing containing the label "FIG. 19c" was present in the Office on January 4, 2007. While the Brief Description of the Drawings lists Figure 19c, only Figures 19a and 19b are present. There is a third figure on the sheet that contains Figures 19a and 19b, but it is not labeled.

It is apparent that petitioners inadvertently did not label Figure 19c.

Therefore, the "Notice" mailed February 7, 2007, was correct in advising applicants that Figure 19c appeared to have been omitted. The "Notice" was properly mailed and will not be withdrawn. The petition fee is required, since the petition was not necessary to correct any PTO error.

The application is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of January 4, 2007. The replacement sheet of drawing showing Figure 19c will not be considered part of the original application.

In due course, a draftsperson will consider the preliminary amendment adding the label Figure 19c to the third unlabeled diagram on the page of drawings containing Figures 19a and 19b.

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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OCT 19 2007

OFFICE OF PETITIONS

In re Application of
Kwanghee Lee et al.
Application No. 11/650,317
Filed: January 4, 2007
Attorney Docket No. 327823-1401

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 September 17, 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 Tianjun Hou on behalf of all attorneys/agents associated with customer number 38706. All attorneys/agents associated with customer number 38706 have been withdrawn.

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

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

There are no outstanding Office actions in this case.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Kwanghee Lee
155 Willow Springs Lane, Apt. 202
Goleta, CA 93117

cc: Dr. Gladys Monroy
Morrison & Foerster
755 Page Mill Road
Palo Alto, CA 94304-1018

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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FEB 0 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Mayette et al.	:	
Application No. 11/650,338	:	DECISION ON PETITION
Filed: January 4, 2007	:	
Attorney Docket No. 09623A-072410US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 19, 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, Replacement Drawings, the basic surcharge, and the late surcharge, (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

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JUDY JARECKI-BLACK; PH.D., J.D.
3239 SATELLITE BLVD. 3RD FLOOR
DULUTH, GA 30096

Mail Date: 05/24/2010

Applicant	: Zhihua Jiang	: DECISION ON REQUEST FOR
Patent Number	: 7666599	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/650,345	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/05/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/650,357	01/05/2007	Jong-Hyeuk Lee	1235-259	7565

7590 12/03/2008

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

EXAMINER	
TROST IV, WILLIAM GEORGE	

ART UNIT	PAPER NUMBER
2416	

MAIL DATE	DELIVERY MODE
12/03/2008	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:
12/04/2008 NFARMER 0000165361

CHECK Refund Total: $1300.00

Adjustment date: 12/04/2008 NFARMER
04/13/2007 NNGUYEN1 00000107 11650357
03 FC:1111 -500.00 OP
05 FC:1201 -800.00 OP

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1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO CA 94303

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SEP 2 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Ward et al.	:	
Application No. 11/650,395	:	ON PETITION
Filed: January 5, 2007	:	
Attorney Docket No. 100127-001100US	:	

This is a decision on the petition under 37 C.F.R. § 1.182, filed September 18, 2007, to change the name of an inventor.

The petition is **GRANTED.**

The name will be changed from Mindy Ward to Hoss Ward.

This matter is being directed to Technology Center 2900 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206. All other inquiries should be directed to Technology Center 2900.

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: 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
11/650,395	01/05/2007	2835	700	100127-001100US	24	4

CONFIRMATION NO. 8250

CORRECTED FILING RECEIPT

OC000000025903272

37490
Trellis Intellectual Property Law Group, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

Date Mailed: 09/19/2007

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)

Hoss Ward, San Francisco, CA;
Nick Merz, San Francisco, CA;

Assignment For Published Patent Application

OQO, Inc., San Francisco, CA

Power of Attorney: The patent practitioners associated with Customer Number **37490**.

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 US11/650,395

Projected Publication Date: To Be Determined - pending completion of Omitted Items

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Method for protecting a connection interface in a computer-docking 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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1900 EMBARCADERO ROAD
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SEP 2 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Ward et al.	:	
Application No. 11/650,397	:	ON PETITION
Filed: January 5, 2007	:	
Attorney Docket No. 100127-001200US	:	

This is a decision on the petition under 37 C.F.R. § 1.182, filed September 18, 2007, to change the name of an inventor.

The petition is **GRANTED.**

The name will be changed from Mindy Ward to Hoss Ward.

This matter is being directed to Technology Center 2900 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206. All other inquiries should be directed to Technology Center 2900.

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: 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
11/650,397	01/05/2007	2835	500	100127-001200US	17	2

CONFIRMATION NO. 8252

CORRECTED FILING RECEIPT

OC000000025903300

37490
Trellis Intellectual Property Law Group, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

Date Mailed: 09/19/2007

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)

Hoss Ward, San Francisco, CA;
Nick Merz, San Francisco, CA;

Assignment For Published Patent Application

OQO, Inc., San Francisco, CA

Power of Attorney: The patent practitioners associated with Customer Number **37490**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 02/07/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/650,397

Projected Publication Date: 07/10/2008

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Docking assembly for a computer and method

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).

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

RUDOLPH J. BUCHEL JR., LAW OFFICE OF
P. O. BOX 702526
DALLAS, TX 75370-2526

COPY MAILED

JAN 14 2010

In re Application of :
Travis Komaro :
Application No. 11/650,400 : ON PETITION
Filed: January 5, 2007 :
Attorney Docket No.: 306609600013 :

This is a decision in response to the petition, filed October 30, 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 March 24, 2009. A Notice of Abandonment was mailed on October 2, 2009. In response on October 30, 2009, the present petition was filed.

Petitioner states that a timely reply was mailed on September 24, 2009. Petitioner submits a copy of the previously mailed correspondence, including a transmittal letter bearing a certificate of mailing dated September 24, 2009, referencing an amendment and a 3-month petition for extension of time. In fact, the file record indicates that the originally submitted papers were ultimately received on October 13, 2009.

In view of the appropriate extension of time filed October 13, 2009, using the Certificate of Mailing dated September 24, 2009, the response is considered timely. Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of March 24, 2009 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 3752 for appropriate action in the normal course of business on the reply received with the petition.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

STOUT, UXA,
BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

COPY MAILED

FEB 19 2008

In re Application of	:	
Hughes, et al.	:	
Application No. 11/650,406	:	DECISION
Filed: 4 January, 2007	:	
Attorney Docket No. D-3232	:	

This is a decision on the petition under 37 C.F.R. §1.10, filed on 21 March, 2007, seeking for the above-identified application a filing date of 4 January, 2007, rather than what is averred to be the presently accorded filing date of 5 January, 2007.

The petition is **DISMISSED**.

BACKGROUND AND ANALYSIS

The instant application was received by the Office and subsequently accorded a filing date of 4 January, 2007.

The record reflects that:

- the instant application, averred to have been transmitted in the package bearing US Postal Service (USPS) Express Mail Label No. EV517444262US, was received by the Office on 8 January, 2007, and subsequently given a filing date of 4 January, 2007;

- with the instant petition, filed on 21 March, 2007, Petitioner provided, *inter alia*, a copy of the USPS Express Mail label bearing USPS Express Mail Label No. EV517444262US with the hand-written "date in" of "1/4/07," and Petitioner avers that this date is correct, and also directs the attention of the Office to the date stamp on the face of the label,

which bears the date imprint of "JAN –4 2007" (and the identification thereon of the USPS post office as "IRVINE CA," however, the ZIP Code is not readable), which Petitioner contends is the accurate date in. Petitioner also sub Petitioner submitted a date-stamped receipt card indicating thereon a date of "010507," which Petitioner avers is incorrect.

- a review by the Office of the USPS (online) Track & Confirm record bearing USPS Express Mail Label No. EV517444262US, and reflects "Acceptance IRVINE CA 92619 01/04/07 4:56 pm."

(Petitioner may find it a valuable practice to refer to the USPS Track & Confirm website a day or two after an expected delivery and obtain/retain this documentation for Petitioner's records.)

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

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

Although Petitioner submitted a date-stamped receipt card indicating thereon a date of "010507" (emphasis supplied), it is noted that Office records already reflect a filing date of 4 January, 2007, and a filing receipt reflecting that date was mailed to Petitioner on 5 March, 2007—a copy of that receipt is enclosed herewith.

The petition is **dismissed as moot**, and the petition fee is waived.

The instant file is released to OIPE to for processing as necessary before release to substantive examination in due course.

---

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

See specifically, the regulations at 37 C.F.R. §10.18.

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

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

---

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

§1.2 Business to be transacted in writing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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
11/650,406	01/04/2007	1772	875	D-3232	35	2

CONFIRMATION NO. 8232

33197
STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE, CA92618

FILING RECEIPT

Date Mailed: 03/05/2007

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

Applicant(s)

Thomas B. Hughes, Rancho Santa Margarita, CA;
Roderick E. Hughes, Newport Beach, CA;

Power of Attorney:

Frank Uxa Jr--25612
Robert Buyan--32460
Donald Stout--34493
Kenton Mullins--36331
Carlos Fisher--36510
Linda Fox--38883
Jennifer Rosenfield--53531

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/756,460 01/04/2006

Foreign Applications

If Required, Foreign Filing License Granted: 03/02/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/650,406**

Projected Publication Date: 07/05/2007

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Composite products contaning a transparent or translucent capstock

Preliminary Class

428

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.

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

37 CFR 1.53(d). This license is not retroactive.

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

NOT GRANTED

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 6152010

DATE : June 10, 2010

TO SPE OF : ART UNIT 2885

SUBJECT : Request for Certificate of Correction for Appl. No.: 11650427 Patent No.: 7661870

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square – 9D40-C
Palm Location 7580

Certificates of Correction Branch

703-756-1573

Thank You For Your Assistance

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

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

Comments: _____

JONG-SUK (JAMES) LEE
SUPERVISORY PATENT EXAMINER
SPE

2885
Art Unit

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.	:	7,661,870
APPLICATION NO.	:	11/650,427
ISSUE DATE	:	February 16, 2010
INVENTOR(S)	:	Aaron Mobarack, et al.

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

On the cover page, insert:

-- Related U.S. Application Data

(63) Continuation of application no. 10/366,883, filed on Feb. 14, 2003, now Pat. No. 7,172,332. --

At column 1, after the title and before "BACKGROUND OF THE INVENTION" insert the following paragraph:

--This application is a continuation application of application serial no. 10/366,883, filed February 14, 2003, which is hereby incorporated herein by reference in its entirety. --

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Donald A. Gregory
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006-5403

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

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	: Hiroki Ikeda	: DECISION ON REQUEST FOR
Patent Number	: 7660309	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/650,428	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/08/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/8/09 **Paper No.:** _____

TO SPE OF : ART UNIT 1791

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/650541 Patent No.: 7380580

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

N. Riley
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: A CHANGE IN PRIORITY DATE CANNOT BE DONE BY A CERTIFICATE OF CORRECTION. APPLICANT MUST FILE A PETITION UNDER 37 CFR 1.78(a).

PHILIP TUCKER
SPE

1791
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/650,457	01/08/2007	Yasunori Sakata	063375	9181

7590 07/02/2009

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER	
SHALWALA, BIPIN H	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
07/02/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Refund Ref:
07/02/2009 HFARMER 0000167829

CHECK Refund Total: $700.00

Adjustment date: 07/02/2009 NFARMER
01/09/2007 SSESHE1 00000046 502866 11650457
03 FC:1111 -500.00 DP
05 FC:1201 -200.00 DP
06 FC:1203 360.00 CR

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.
11/650,480	01/08/2007	Sung-eun Lee	0085.1020	8723

7590 10/24/2008

STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER	
LEE, THOMAS C	

ART UNIT	PAPER NUMBER
2115	

MAIL DATE	DELIVERY MODE
10/24/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Repln. Ref: 10/27/2008 BPOWELL 0018474900
DA#:150461 Name/Number:11604735
FC: 9204 $500.00 CR

Adjustment date: 10/27/2008 BPOWELL
01709/2007 SFELEKE1 00000047 11650480
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP

Adjustment date: 10/27/2008 BPOWELL
01709/2007 SFELEKE1 00000047 11650480
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/650,487	01/08/2007	Soo-Young Kim	52153	8567

7590 01/13/2009

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER	
NGUYEN, LAM S	

ART UNIT	PAPER NUMBER
2853	

MAIL DATE	DELIVERY MODE
01/13/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
01/14/2009 NFARMER 0000165808

CHECK Refund Total: $2700.00

Adjustment date: 01/14/2009 NFARMER
01/09/2007 LWONDIM1 00000005 11650487
02 FC:1111 -500.00 OP
04 FC:1202 -1000.00 OP
05 FC:1201 -1200.00 OP

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

8/12/08

Patent No. :7380580
Inventor(s) :Kia Silverbrook
Issued : 6/3/2008
Title : PRINTING ARRANGEMENT WITH AN ADHESIVE APPLICATION STATION
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals that item [30] is printed in accordance with the record. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied.

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

MR. KIA SILVERBROOK
SILVERBROOK, RESEACH PTY LTD.
393 Darling Street,
Balmain NSW 2041, Australia

HR/CBN

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Paper No. None

FOLEY & LARDNER LLP
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JUN 14 2007

OFFICE OF PETITIONS

In re Application of :
Kwanghee Lee et al. :
Application No. 11/650,574 : DECISION ON PETITION
Filed: January 4, 2007 :
Attorney Docket No. 327823-1192 :
Title: PASSIVATING LAYER FOR :
FLEXIBLE ELECTRONIC DEVICES :

This is a decision on the "Petition for Date of Deposit," which is properly treated as a petition under 37 C.F.R. §1.182, filed February 23, 2007, to include Figure 19c with the original application papers filed April 21, 2006. Petitioner requests, in effect, that the portion of the "Notice of Omitted Item(s) in a Nonprovisional Application - Filing Date Granted (notice)," which refers to Figure 19c, mailed February 7, 2007, be withdrawn.

The application was filed on January 4, 2007. On February 7, 2007, the Office of Initial Patent Examination Division (OIPE) mailed a notice stating, *inter alia*, that the application had been accorded a filing date, but that Figure 19c, as described in the specification, appeared to have been omitted.

In response, the present petition was filed on February 23, 2007. Petitioner explains that Figure 19c was not missing on January 4, 2007. Instead, Petitioner states that Figure 19c was present, but not labeled on the drawing sheet which the Office received on filing.

The electronic file has been reviewed, and it is obvious from the file that Figure 19c was not actually missing on January 4, 2007, and that Figure 19c was simply not labeled.

Therefore, the drawing was not missing; rather, the drawing was simply not labeled as a result of the applicant's filing error. However, the notice mailed February 7, 2007 was correct in stating that Figure 19c appeared to have been omitted. Therefore, the notice was properly mailed and will not be withdrawn.

The petition under 37 C.F.R. §1.182 is **GRANTED-IN-PART**.

The petition fee of $400 will not be refunded, as this petition was not necessitated by any error on the part of the Office.

OIPE will be made aware of this decision, so that the present application can receive further processing with the presently accorded filing date of January 4, 2007, using the 17 sheets of drawings filed on that date. Receipt of one sheet of replacement drawings filed with the present petition on February 23, 2007 is acknowledged.

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
United States Patent and Trademark Office

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 Petitioner's further action(s).

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MAR 20 2008

OFFICE OF PETITIONS

In re Application of :
LEE, et al. :
Application No. 11/650,574 : DECISION ON PETITION
Filed: January 4, 2007 : TO WITHDRAW
Attorney Docket No. **327823-1192** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 17, 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 Tianjun Hou on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **KWANGHEE LEE**
155 WILLOW SPRING LANE, APT 202
GOLETA, CA 93117

cc: **DR. GLADYS MONROY**
MORRISON & FOERSTER
755 PAGE MILL ROAD
PALO ALTO, CA 94304-1018

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

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MAY 09 2007

OFFICE OF PETITIONS

In re Application of	:	
Marcio Mar Abreu	:	
Application No. 11/650590	:	
Filing or 371(c) Date: 01/08/2007	:	
Attorney Docket Number:	:	DECISION
P71006US5	:	ON PETITION

This is a decision on the "Petition For Acceptance of a Complete Nonprovisional Application on Januaty 8, 1997", filed March 2, 2007, requesting the above-identified application be accorded a filing date of January 8, 2007.

The petition is granted.

The application was filed on January 8, 2007. On February 12, 2007, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition and avers that 311 sheets of drawings were filed in the application on January 8, 2007. In support of this assertion, Applicant files a copy of his return-receipt postcard acknowledging receipt of 311 sheets of drawings by this Office on January 8, 2007.

"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 February 12, 2007, was mailed in error and is hereby withdrawn.

No petition fee has been charged and none is due.

The copy of 311 sheets of drawings, filed with the present 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 January 8, 2007, and an indication that 311 sheets of drawings were present on January 8, 2007, using the 311 sheets of drawings filed with the present petition on March 2, 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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Trask Britt
P.O. Box 2550
Salt Lake City, UT 84110

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DEC 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Douglas L. Brockmeyer et al:	:	
Application No. 11/650,602	:	DECISION ON PETITION
Filed: January 5, 2007	:	TO WITHDRAW
Attorney Docket No. 21101.0135U3	:	FROM RECORD
	:	

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 **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Trask Britt has been revoked by the assignee of the patent application on September 19, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Needle & Rosenberg, P.C.**
Suite 1000
999 Peachtree Street
Atlanta, GA 30309-3915

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MICHAEL JORDAN
322 MT ZION ROAD
MARLBORO NY 12542

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APR 19 2007

OFFICE OF PETITIONS

In re Application of

MICHAEL JORDAN
Application No. 11/650,617
Filed: January 08, 2007
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 February 01, 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 Michael Jordan, 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 2834 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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Paper No.

GFD PATENTS, LLC
P.O. BOX 752
CLIFTON PARK NY 12065

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JAN 22 2009

OFFICE OF PETITIONS

In re Application of :
Michael Jordan : DECISION ON PETITION
Application No. 11/650,617 :
Filed: January 8, 2007 :
Attorney Docket No. Jord-001 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed September 18, 2008.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the Notice to File Corrected Application Papers mailed February 7, 2007. The Notice set a time limit 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. No reply having been received, the above-identified application became abandoned on August 9, 2007. The present petition precedes the mailing of a courtesy Notice of Abandonment.

Petitioner has satisfied the requirements of 37 CFR 1.137(b). The petition includes the required reply in the form of a substitute specification and late surcharge; the petition fee; and the required statement of unintentional delay.

The application file is being forwarded to the Office of Patent Application Processing for completion of pre-examination processing, including processing of the responses submitted on petition filed September 18, 2008.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

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MAY 12 2008

In re Application of	:	
Anthony D. Kurtz	:	
Application No. 11/650,643	:	DECISION ON PETITION
Filed: January 8, 2007	:	TO WITHDRAW
Attorney Docket No. Kulite-130	:	FROM RECORD
	:	

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

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

A review of the file record indicates that the power of attorney to Howard IP Law Group has been revoked by the assignee of the patent application on April 16, 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: **The Pievy Law Firm**
10 Rutgers Place
Trenton, NJ 08618

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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

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DEC 23 2008

OFFICE OF PETITIONS

In re Application of :
Son et al. :
Application No. 11/650,667 : DECISION ON PETITION
Filed: January 8, 2007 :
Attorney Docket No. 5649-1323CT :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the final Office action mailed March 21, 2008. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on June 22, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810.00, and the submission required by 37 CFR 1.114; (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 Joan Olszewski at (571) 272-7751.

The file is now being forwarded to Technology Center 2876 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

REISING ETHINGTON P.C.
P O BOX 4390
TROY MI 48099-4390

In re Application of	:	
Jacquelyn Stassinopoulos	:	DECISION ON PETITION
Application No. 11/650,683	:	TO WITHDRAW
Filed: January 8, 2007	:	FROM RECORD
Attorney Docket No. 7598.3002.001	:	

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 30, 2009.

The request is **NOT APPROVED**.

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

The request was signed by Steven L. Permut on behalf of all attorneys of record, but does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number upon filing of the instant application, the Request must reflect withdrawal of practitioners associated with same Customer Number.

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

Currently, there is an outstanding Office action mailed July 8, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

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HOWARD IP LAW GROUP
P.O. BOX 226
FORT WASHINGTON, PA 19034

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FEB 26 2008

In re Application of	:	
Anthony D. KURTZ, et al	:	
Application No. 11/650,686	:	DECISION ON PETITION
Filed: January 8, 2007	:	TO WITHDRAW
Attorney Docket No.	:	FROM RECORD
	:	

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

The request is **NOT APPROVED**.

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

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

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: THE PLEVY LAW FIRM
10 RUTGERS PLACE
TRENTON, NJ 08618

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HOWARD IP LAW GROUP
P.O. BOX 226
FORT WASHINGTON, PA 19034

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MAR 2 7 2008

OFFICE OF PETITIONS

In re Application of :
Anthony D. KURTZ, et al :
Application No. 11/650,686 : DECISION ON PETITION
Filed: January 8, 2007 : TO WITHDRAW
Attorney Docket No. : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 29, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because the attorneys of record were 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: THE PLEVY FIRM
10 RUTGERS PLACE
TRENTON, NJ 08618

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COOK ALEX LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Shunpei Yamazaki	: DECISION ON REQUEST FOR
Patent Number	: 7648897	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/650,693	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/08/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **359** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

In re Application of
Varadarajan et al.
Application No. 11/650,695
Filed: January 8, 2007
Attorney Docket Number: 4544-064057
Title: System and Method for Automatic Generation of Presentations Based on Agenda

DECISION

This is in response to the petition under 37 CFR 1.47(a), filed October 1, 2007 and supplemented on October 11, 2007.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered to be **Dismissed As 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 will be forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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FOLEY & LARDNER LLP
321 NORTH CLARK STREET
SUITE 2800
CHICAGO, IL 60654-5313

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MAR 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert Voigts, et al.	:	
Application No. 11/650,696	:	DECISION ON PETITION
Filed: January 8, 2007	:	TO WITHDRAW
Attorney Docket No. 047542-0313	:	FROM RECORD
	:	

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 30, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Foley & Lardner, LLP has been revoked by the assignee of the patent application on February 2, 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.

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

cc: BIOFORM MEDICAL, INC.
1875 SOUTH GRANT STREET
SUITE 110
SAN MATEO, CA 94402

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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	: Gordon J. Freedman	: DECISION ON REQUEST FOR
Patent Number	: 7660831	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/650,732	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/07/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **318** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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BARNARD INTELLECTUAL PROPERTY LAW, INC.
P.O. BOX 58888
SEATTLE WA 98138-1888

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JUN 1 1 2007

OFFICE OF PETITIONS

In re Application of :
HORNE, William E. et al. :
Application No. 11/650,739 : DECISION ON PETITION
Filed: January 18, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **1130** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 16, 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 William Horne, 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 1753 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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JOHN M. WECHKIN
PERKINS COIE LLP
P.O. BOX 1247
SEATTLE, WA 98111-1247

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MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
William E. HOME, et al	:	
Application No. 11/650,739	:	DECISION ON PETITION
Filed: January 8, 2007	:	TO WITHDRAW
Attorney Docket No. 671648001US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed February 5, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that John M. Wechkin 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 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: BARNARD INTELLECTUAL PROPERTY
LAW, INC.
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RANCOCAS, NJ 08073

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MAR 20 2009

OFFICE OF PETITIONS

In re Application of :
Jean Lovens :
Application No. 11/650,752 : ON PETITION
Filed: January 8, 2007 :
Attorney Docket No. 1946-030US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 18, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed July 1, 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 2, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of $1620; and (3) a proper 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 No. 12/347,653.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Paul V. Werme et al.	:	
Application No. 11/650,757	:	DECISION ON PETITION
Filed: December 14, 2006	:	TO WITHDRAW
Attorney Docket No. Navy Case 98530	:	FROM RECORD
	:	

This is a decision on the request to withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40, filed April 2, 2007.

The request is **APPROVED** to the extent noted below.

A review of the file record indicates that, requestor, Scott R. Boalick, formerly of the firm of Fish & Richardson: (1) has never been given a power of attorney in this patent application; and there is no indication that he (or the firm of Fish & Richardson) (2) has been employed or otherwise engaged in the proceedings in this patent application. To the extent that Scott R. Boalick may have been employed or otherwise engaged in the proceedings in this application, the request is approved. Mr. Boalick 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). A courtesy copy of this decision is being mailed to Mr. Boalick at the address of Fish & Richardson noted below.

The correspondence address of record remains unchanged.

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:

Fish & Richardson, P.C.
P. O. Box 1022
Minneapolis, MN 55440-1022

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10 JUN 2008

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PYLE & PIONTEK
ATTN: THOMAS R. VIGIL
221 N LASALLE STREET , ROOM 2036
ROOM 2036
CHICAGO IL 60601

In re Application of	:	
HARTMUT, et al.	:	
PCT No.: PCT/DE05/00686	:	DECISION ON PETITION
Application No.: 11/650,787	:	
Int. Filing Date: 15 April 2005	:	UNDER 37 CFR 1.137(b)
Priority Date: 15 April 2004	:	
Atty. Docket No.: VMP-40003	:	
For: WATER-TIGHT ZIPPER WITH TWO SIDES	:	

This decision is in response to applicant's petition under 37 CFR § 1.137(b) filed 08 January 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 15 April 2005, applicant filed international application PCT/DE05/00686 which claimed priority to an earlier application filed 15 April 2004. A copy of the international application was transmitted by the International Bureau on 27 October 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 15 October 2006.

On 08 January 2007, applicant filed the present petition to revive under 37 CFR 1.137(b) accompanied by the transmittal of a utility application.

DISCUSSION

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Applicant has satisfied items (2) and (3). It is noted that item (4) does not apply to the present application.

Regarding item (1), applicant's petition states that the proper reply is being supplied in

the form of a "patent application." This reply is not proper. The required reply was payment of the full, U.S. basic national fee or the filing of a continuation application. Neither reply was filed, as such, it is not possible to grant applicant's petition at this time.

It is noted that the present application has been processed as a regular, utility application under 35 U.S.C. 111(a).

CONCLUSION

For the reasons stated above, applicant's petition to revive under 37 CFR 1.137(b) is **DISMISSED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

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

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2 4 JUL 2008

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In re Application of	:	
HARTMUT, et al.	:	DECISION ON RENEWED
PCT No.: PCT/DE05/00686	:	
Application No.: 11/650,787	:	PETITION UNDER
Int. Filing Date: 15 April 2005	:	
Priority Date: 15 April 2004	:	37 CFR 1.137(b)
Atty. Docket No.: VMP-40003	:	
For: WATER-TIGHT ZIPPER WITH TWO SIDES	:	

This decision is in response to applicant's renewed petition under 37 CFR § 1.137(b) filed 18 July 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 10 June 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.137(b). Applicant was afforded two months to file any request for reconsideration.

On 18 July 2008, applicant filed the present renewed petition.

DISCUSSION

As explained in the decision mailed 10 June 2008, 37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Applicant previously satisfied items (2) and (3). It is noted that item (4) does not apply to the present application.

Regarding item (1), applicant contends that payment of the U.S. Basic National fee was provided with the filing of 08 January 2007. While a check was provided with the filing, applicant filed the application with a "Utility Patent Application Transmittal" (Form PTO/SB/05).

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 1.494(f) and 37 CFR 1.495(g)). In addition, section 1893.03(a), page 1800-114 of the MPEP states that "[i]f 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)."

Therefore, the fee payment of 08 January 2007 could not be processed as payment of the full, U.S. Basic National fee under 37 CFR 1.492 as the present application is not a U.S. National stage application.

CONCLUSION

For the reasons stated above, applicant's renewed petition to revive under 37 CFR 1.137(b) is **DISMISSED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

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

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18 NOV 2008

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ROOM 2036
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In re Application of	:	
ORTLIEB	:	DECISION ON RENEWED
PCT No.: PCT/DE05/00686	:	
Application No.: 11/650,787	:	PETITION UNDER
Int. Filing Date: 15 April 2005	:	
Priority Date: 15 April 2004	:	37 CFR 1.137(b)
Atty. Docket No.: VMP-40003	:	
For: WATER-TIGHT ZIPPER WITH TWO SIDES	:	

This decision is in response to applicant's renewed petition under 37 CFR § 1.137(b) filed 02 September 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 24 July 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.137(b). Applicant was afforded two months to file any request for reconsideration.

On 02 September 2008, applicant filed the present renewed petition.

DISCUSSION

As explained in the decision mailed 24 July 2008, 37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Applicant previously satisfied items (2) and (3). It is noted that item (4) does not apply to the present application.

Regarding item (1), applicant contends that payment of the U.S. Basic National fee was provided with the filing of 08 January 2007 despite applicant's filing the application with a "Utility Patent Application Transmittal" (Form PTO/SB/05).

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 1.494(f) and 37 CFR 1.495(g)). In addition, section 1893.03(a), page 1800-114 of the MPEP states that "[i]f 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 concedes that the wrong transmittal letter form was used but argues that the information provided on the accompanying application data sheet indicating that the application was a "National Stage of PCT/DE2005/000686" and filed declaration should control. In support applicant cites 37 CFR 1.76. However, 37 CFR 1.76 does not alleviate the fact that there is an inconsistency between the filed transmittal letter and the ADS. 37 CFR 1.76(d)(2) indicates that the information supplied in an ADS will govern when supplied at the same time as an amendment to the specification, a designation of correspondence address, or a § 1.63 or § 1.67 oath or declaration. 37 CFR 1.76 makes no mention of a transmittal letter and therefore 37 CFR 1.494(f) and 37 CFR 1.495(g) control. Since inconsistencies existed within the papers filed 08 January 2007, the application was properly processed as a utility application under 35 U.S.C. 111.

In addition it is noted that the ADS filed 08 January 2007 did not make a proper priority claim to the international application. The information "National Stage of PCT/DE2005/000686 filed April 15, 2005" was merely added to the bottom of page three. Lastly, the ADS was not signed.

Therefore, the fee payment of 08 January 2007 could not be processed as payment of the full, U.S. Basic National fee under 37 CFR 1.492 as the present application is not a U.S. National stage application.

Applicant is advised to consider filing a petition under 37 CFR 1.78 for the acceptance of an unintentionally delayed claim for priority.

CONCLUSION

For the reasons stated above, applicant's renewed petition to revive under 37 CFR 1.137(b) is **DISMISSED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

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

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CHICAGO IL 60601

In re Application of	:	
ORTLIEB	:	DECISION ON RENEWED
PCT No.: PCT/DE05/00686	:	
Application No.: 11/650,787	:	PETITION UNDER
Int. Filing Date: 15 April 2005	:	
Priority Date: 15 April 2004	:	37 CFR 1.137(b)
Atty. Docket No.: VMP-40003	:	
For: WATER-TIGHT ZIPPER WITH TWO SIDES	:	

This decision is in response to applicant's renewed petition under 37 CFR § 1.137(b) filed 18 December 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 18 November 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.137(b). Applicant was afforded two months to file any request for reconsideration.

On 18 December 2008, applicant filed the present renewed petition, which is identified as a "Continuation of PCT/de05/00686 and petitions for an acceptance of applicants signed Declaration...as a signed statement of a claim of priority from PCT/DE05/00686 filed 15 April 2005."

DISCUSSION

As explained in the decision mailed 24 July 2008, 37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Applicant previously satisfied items (2) and (3). It is noted that item (4) does not apply to the present application.

Applicant is seeking to revive the international application for the purposes of continuity in filing a continuation application under 35 U.S.C. 111(a). Before the petition to revive can be granted, the 35 U.S.C. 111(a) application must contain a proper reference to the international application in accordance with 37 CFR 1.78(a)(2)(i) and (iii). Because the proper reference was not submitted within the time period set forth in 37 CFR 1.78(a)(2)(ii), a petition under 37 CFR 1.78(a)(3) is required.

Applicant is advised that the ADS filed 18 December 2008 is improper because the reference to the international application is not contained in the domestic priority information section. Furthermore, the ADS does not bear the required signature under 37 CFR 1.33 and 10.18. Applicant should use the most recent version of Form PTO/SB/14 which contains an appropriate signature block.

CONCLUSION

For the reasons stated above, applicant's renewed petition to revive under 37 CFR 1.137(b) is **DISMISSED**.

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

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3 JUN 2009

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CHICAGO IL 60601

In re Application of	:	
ORTLIEB	:	
PCT No.: PCT/DE05/00686	:	
Application No.: 11/650,787	:	DECISION
Int. Filing Date: 15 April 2005	:	
Priority Date: 15 April 2004	:	
Atty. Docket No.: VMP-40003	:	
For: WATER-TIGHT ZIPPER WITH TWO SIDES	:	

This decision is in response to applicant's petition under 37 CFR 1.78(a)(3) and renewed petition under 37 CFR § 1.137(b) filed 25 March 2009 in the United States Patent and Trademark Office (USPTO). The petition is also being considered pursuant to 37 CFR 1.55 as to the delayed foreign priority claim.

BACKGROUND

On 13 March 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.137(b). Applicant was afforded two months to file any request for reconsideration.

On 25 March 2009, applicant filed the present petition under 37 CFR 1.78 and renewed petition under 37 CFR 1.137(b) to revive the international application for the purposes of continuity.

DISCUSSION

I. Petition Under 37 CFR 1.78

The present petition under 37 CFR 1.78(a)(3) asks the Office to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of the prior-filed nonprovisional application set forth in the amendment filed 18 December 2008.

The petition is **DISMISSED**.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after

expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

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

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

Applicant has not satisfied item 3 in that applicant has not provided 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.

Applicant is also advised that a supplemental application data sheet must be so titled. (See 37 CFR 1.76 (c)(2). The presently filed ADS is not identified as a supplemental application data sheet. In addition, the domestic priority information is not filed out properly.

Therefore, it is not possible to grant applicant's petition under 37 CFR 1.78(a)(3) at this time.

II. Petition Under 37 CFR 1.55(c)

A foreign claim is not valid until the 35 U.S.C. 120 claim is made proper. As such, the petition to accept the late claim of priority of German Patent application serial number 20 2004 006 114.7 filed April 15, 2004 is **DISMISSED**.

III. Renewed Petition Under 37 CFR 1.137(b)

As explained in the decision mailed 13 March 2009, 37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply,

unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Applicant previously satisfied items (2) and (3). It is noted that item (4) does not apply to the present application.

Applicant is seeking to revive the international application for the purposes of continuity in filing a continuation application under 35 U.S.C. 111(a). As the petition under 37 CFR 1.78 has not been granted it is not possible to grant applicant's renewed petition under 37 CFR 1.137(b) at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.78 and renewed petition to revive under 37 CFR 1.137(b) are **DISMISSED**.

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

Any questions concerning this matter may be directed to Derek A. Putonen at (571) 272-3294.

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

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ROOM 2036
CHICAGO IL 60601

In re Application of	:	
ORTLIEB	:	
PCT No.: PCT/DE05/00686	:	
Application No.: 11/650,787	:	DECISION
Int. Filing Date: 15 April 2005	:	
Priority Date: 15 April 2004	:	
Atty. Docket No.: VMP-40003	:	
For: WATER-TIGHT ZIPPER WITH TWO SIDES	:	

This decision is in response to applicant's petition under 37 CFR 1.78(a)(3) and renewed petition under 37 CFR § 1.137(b) filed 17 July 2009 in the United States Patent and Trademark Office (USPTO). The petition is also being considered pursuant to 37 CFR 1.55 as to the delayed foreign priority claim.

BACKGROUND

On 03 June 2009, applicant was mailed a decision dismissing applicant's petitions under 37 CFR 1.137(b); 37 CFR 1.78 and 37 CFR 1.55. Applicant was afforded two months to file any request for reconsideration.

On 17 July 2009, applicant filed the present petition under 37 CFR 1.78 and renewed petition under 37 CFR 1.137(b) to revive the international application for the purposes of continuity.

DISCUSSION

I. Petition Under 37 CFR 1.78

The present petition under 37 CFR 1.78(a)(3) asks the Office to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of the prior-filed nonprovisional application set forth in the amendment filed 18 December 2008.

The petition is **DISMISSED**.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein

for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

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

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

Applicant has satisfied item 3 in that applicant has now provided 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.

In addition, applicant has properly titled the present ADS as a supplemental application data sheet. However, it is not possible to grant the petition as the domestic priority information section of the ADS is not filed out properly. The underlying international application to which domestic priority is being claimed must be listed as the prior application number.

Therefore, it is not possible to grant applicant's petition under 37 CFR 1.78(a)(3) at this time.

II. Renewed Petition Under 37 CFR 1.137(b)

As explained in the decision mailed 03 June 2009, 37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Applicant previously satisfied items (2) and (3). It is noted that item (4) does not apply to the present application.

Applicant is seeking to revive the international application for the purposes of continuity in filing a continuation application under 35 U.S.C. 111(a). As the petition under 37 CFR 1.78 has not been granted it is not possible to grant applicant's renewed petition under 37 CFR 1.137(b) at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.78 and renewed petition to revive under 37 CFR 1.137(b) are **DISMISSED**.

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

Any questions concerning this matter may be directed to Derek A. Putonen at (571) 272-3294.

Bryan Lin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

18 MAR 2010

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

PYLE & PIONTEK
ATTN: THOMAS R. VIGIL
221 N LASALLE STREET , ROOM 2036
ROOM 2036
CHICAGO IL 60601

In re Application of	:	
ORTLIEB	:	
PCT No.: PCT/DE05/00686	:	
Application No.: 11/650,787	:	DECISION
Int. Filing Date: 15 April 2005	:	
Priority Date: 15 April 2004	:	
Atty. Docket No.: VMP-40003	:	
For: WATER-TIGHT ZIPPER WITH TWO SIDES	:	

This decision is in response to applicant's petition under renewed petition filed 01 December 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 22 September 2009, applicant was mailed a decision dismissing applicant's petitions under 37 CFR 1.78(a)(3) and 37 CFR 1.137(b). Applicant was afforded two months to file any request for reconsideration.

On 01 December 2009, applicant filed the present petition under 37 CFR 1.78 and renewed petition under 37 CFR 1.137(b) to revive the international application for the purposes of continuity accompanied by a petition for a one-month extension of time.

DISCUSSION

I. Petition Under 37 CFR 1.78

The petition is GRANTED.

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

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

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that any Filing Receipt includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon.

II. Renewed Petition Under 37 CFR 1.137(b)

As explained in the decision mailed 22 September 2009, 37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137©).

Applicant previously satisfied items (2) and (3). It is noted that item (4) does not apply to the present application.

With the filing of the granted, renewed petition under 37 CFR 1.78, applicant has satisfied the remaining item and it is proper to grant applicant's renewed petition at this time.

International application PCT/DE05/00686 became abandoned as to the United States of America for failure to timely pay the basic national fee. The filing of the present continuing application under 35 U.S.C. 111(a) is accepted as the appropriate response under 37 CFR 1.137(b). See MPEP § 711.03©).

International application PCT/DE05/00686 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application number 11/650,787.

CONCLUSION

As detailed above, applicant's renewed petitions under 37 CFR 1.78(a)(3) and 37 CFR 1.137(b) are **GRANTED**.

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

Any inquiries concerning this decision may be directed to Derek Putonen at (571) 272-3294. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3677 for appropriate action on the amendment filed 01 December 2009, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

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

BURNS & LEVINSON, LLP
125 SUMMER STREET
BOSTON, MA 02110

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DEC 2 3 2008

OFFICE OF PETITIONS

In re Application of :
Robert J. Felice, et al. :
Application No. 11/650,793 : DECISION ON PETITION
Filed: January 8, 2007 :
Attorney Docket No. 12078-156DIV :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 25, 2008, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 29, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 30, 2008.

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

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

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

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

This application is being referred to Technology Center AU 3677 for appropriate action by the Examiner in the normal course of business on the reply received September 25, 2008.

April M. Wise
Petitions Examiner
Office of Petitions

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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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

In re Application of
KIM, SUNG GON
Application No. 11/650,812
Filed: January 8, 2007
Attorney Docket No.: **U 016663-6**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed November 23, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

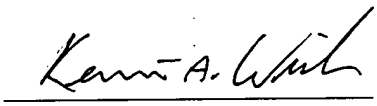
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation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

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

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

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

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



Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WESTMAN CHAMPLIN & KELLY, P.A.
900 SECOND AVENUE SOUTH, SUITE 1400
MINNEAPOLIS MN 55402-3319

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MAY 31 2007

OFFICE OF PETITIONS

In re Application of :
WERNER, Frank D. :
Application No. 11/650,824 : DECISION ON PETITION
Filed: January 8, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. O28.12-0047 : 37 CFR 1.102(c)(1)
:

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

The petition is **GRANTED**.

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

The instant petition includes the declaration of inventor Frank D. Werner, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

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

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/650,851	01/08/2007	Sang-Hyeon Yoon	1398-027	9256

7590 09/10/2009

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

EXAMINER	
HUYNH, CHUCK	
ART UNIT	PAPER NUMBER
2617	
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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
09/11/2009 NFARMER 0300168780

CHECK Refund Total: $2100.00

Adjustment date: 09/11/2009 NFARMER
04/06/2007 LWONDIM1 00000029 11650851
02 FC:1111 -500.00 OP
05 FC:1201 -400.00 OP
06 FC:1202 -1200.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

Law Offices of
Mark E. Wiemelt PC
10 S. LaSalle Street
Suite 3300
Chicago IL 60603

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JUL 31 2007

OFFICE OF PETITIONS

In re Application of	:	
Raymond Helmer	:	DECISION REFUSING STATUS
Application No. 11/650,862	:	UNDER 37 C.F.R. § 1.47(a)
Filed: January 8, 2007	:	
Title: PEDESTAL COVER FOR	:	
PEDESTAL STYLE SEATING	:	

This is a decision on the "Petition Under 37 CFR §1.47(b) To Make Application When An Inventor Refuses To Join An Application" filed April 12, 2007.

The above-identified application was filed on January 8, 2007, without an executed oath or declaration. Accordingly, on February 12, 2007, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," requiring an executed oath or declaration and a surcharge for its late filing. (In addition, the statutory basic filing fee and additional claim fees and search and examination fees were due). This Notice set a two-month period for reply with extensions of time obtainable under § 1.136(a).

In response, applicants filed the surcharge under § 1.16(l); and the instant petition under § 1.47(b)(and fee)(and the missing fees). Applicant asserts that status under § 1.47(b) is proper because inventor Helmer refuses to sign the declaration. However, the petition did not include a declaration executed by the rule 47(b) applicant on behalf of non-signing inventor Helmer.

The petition is filed by the President of Elrae Enterprises. Accompanying the petition is a copy of an executed assignment,

which appears to cover this application. Petitioner has thereby shown his right to take action in this matter. See 37 CFR 3.73(b). It is noted that the assignment does not appear to have been made of record in the Patent and Trademark Office.

The petition states it includes payment of the petition fee of $200. No such payment was received with the petition. A check in the amount of $790 was received. This amount covered the missing filing fees and the late surcharge, but was insufficient to pay the petition fee. No authorization to charge the petition fee to a Deposit Account is of record in the application.

It is also noted that the petition does not include an oath or declaration for patent executed by the rule 47(b) applicant on behalf of the non-signing inventor.

Accordingly, the petition must be **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).

Receipt of the Power of Attorney is acknowledged and made of record. It is noted that this address is to a specific address rather than to a customer number.

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

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

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

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

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

Law Offices of
Mark E. Wiemelt PC
10 S. LaSalle Street
Suite 3300
Chicago IL 60603

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DEC 31 2007

OFFICE OF PETITIONS

In re Application of	:	
Raymond Helmer	:	DECISION ACCORDING STATUS
Application No. 11/650,862	:	UNDER 37 C.F.R. § 1.47(b)
Filed: January 8, 2007	:	
Title: PEDESTAL COVER FOR PEDESTAL STYLE SEATING	:	

This is a decision on the "Request for Reconsideration of Petition Under 37 CFR §1.47(a)(To Make Application When An Inventor Refuses To Join An Application)" filed September 6, 2007. As the petition requests acceptance of the declaration without the signature of the sole inventor, the petition is properly treated pursuant to 37 CFR 1.47(b).

The petition is **GRANTED**.

The above-identified application was filed on January 8, 2007, without an executed oath or declaration. In response to the "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)" mailed February 12, 2007, on April 12, 2007, applicant filed the initial petition (and paid the missing fees).

By decision mailed July 31, 2007, the petition was dismissed. The petition did not include the petition fee. It was further stated that the petition did not include a declaration executed by the rule 47(b) applicant on behalf of the non-signing inventor.

Acceptance of a declaration under § 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 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.

On request for reconsideration, petitioner has submitted a declaration for patent executed by the President of the assignee company on behalf of the non-signing sole inventor and payment of the petition fee. Petitioner previously submitted a statement setting forth the circumstances of inventor Helmer's express refusal to join in the application. This statement is supported by an excerpt of an email from the inventor reflecting his refusal. The petition also included a statement of the last known address of the inventor and a copy of the assignments reflecting the chain of title to the 47(b) applicant. Petitioner states that granting of this petition is necessary in order to preserve the rights of the parties.

Petitioner has now met all requirements for status under 1.47(b).

In view thereof, 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 noted that on November 28, 2007, the undersigned left a message for the attorney of record requesting that a SUPPLEMENTAL APPLICATION DATA SHEET be submitted to correct the omission of the inventor's zip code on the declaration. To date this has not occurred. This requirement has been waived for purposes of granting the petition. The undersigned was able to determine the full address of the inventor for purposes of giving him Notice of the 47 status of this application. However, neither the examiner (nor the Office of Patent Application Processing) is precluded from objecting to the declaration on this ground. To prevent any further delay in prosecution of this application, applicants should promptly file a Supplemental ADS or otherwise, properly cure the deficiency in the inventor's address information. See 37 CFR 1.76.

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

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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RAYMOND C. HELMER
152 TURNER CREEK DRIVE
HAMPTON GA 30228

COPY MAILED

DEC 31 2007

OFFICE OF PETITIONS

In re Application of	:	
Raymond Helmer	:	
Application No. 11/650,862	:	LETTER
Filed: January 8, 2007	:	
Title: PEDESTAL COVER FOR PEDESTAL STYLE SEATING	:	

Dear Mr. Helmer:

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).

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Law Offices of
Mark E. Wiemelt PC
10 S. LaSalle Street
Suite 3300
Chicago IL 60603

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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LEGAL STAFF
MAIL CODE 482-C23-B21
P O BOX 300
DETROIT, MI 48265-3000

Mail Date: 04/21/2010

Applicant	: Matthew J. Snider	: DECISION ON REQUEST FOR
Patent Number	: 7614284	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/650,866	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/08/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
EXCHANGE PLACE
BOSTON MA 02109-2881

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AUG 2 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Douglas Winneg and Raymond Hayland	:	
Application No. 11/650,871	:	DECISION ON
Filing Date: January 8, 2007	:	PETITION UNDER
Attorney Docket Number: SSI-002C2	:	37 C.F.R. § 1.47(A)
Title: SECURELY EXECUTING AN APPLICATION ON A COMPUTER SYSTEM	:	

This is a decision on the petition filed May 16, 2007, under 37 C.F.R. § 1.47(a).

On January 8, 2007, the application was filed, identifying Douglas Winneg and Raymond Hayland as joint inventors. On February 9, 2007, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring, *inter alia*, an executed oath or declaration in compliance with 37 C.F.R. §1.63, as well as the surcharge associated with the late submission of the same. The Notice set a two-month period for reply.

The present application is a continuation of parent application 09/826,310, which issued as patent number 7,069,586 on June 27, 2006. On January 9, 2002, a petition was filed pursuant to 37 C.F.R. § 1.47(a) to accept the declaration without the signature of joint inventor Hayland. On March 25, 2002, the Office mailed a decision which granted this petition and accorded Rule 47(a) status to application number 09/826,310.

With this petition, Petitioner has submitted a two-month extension of time, the basic filing fee, the search fee, the examination fee, and the associated surcharge. Petitioner has also submitted a portion of the petition fee. The remainder of the fee has been charged to Petitioner's Deposit Account, as

authorized in the petition. Petitioner has further submitted a copy of the January 9, 2002 petition along with a copy of the decision of March 25, 2002.

37 C.F.R. 1.63(d)(3) sets forth, *in toto*:

> 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.

MPEP 201.06(c)(II) sets forth, *in pertinent part*:

> 37 CFR 1.63(d) provides that a newly executed oath or declaration is not required in a continuation or divisional application filed by all or by fewer than all of the inventors named in a prior nonprovisional application containing a signed oath or declaration as required by 37 CFR 1.63, provided that a copy of the signed oath or declaration filed in the prior application is submitted for the continuation or divisional application and the specification and drawings filed in the continuation or divisional application do not contain any subject matter that would have been new matter in the prior application. The copy of the oath or declaration must show the signature of the inventor(s) or contain an indication thereon that the oath or declaration was signed (e.g., the notation "/s/" on the line provided for the signature). >If the copy of the signed oath or

declaration from the prior application included a power of attorney, the power of attorney in the copy of the signed oath or declaration from the prior application would carry over to the continuation or divisional application. If the power of attorney was changed during the prosecution of the prior application, see subsection VII below.<
It is not necessary to have the inventor sign a new oath or declaration merely to include a reference to the duty of disclosure if the parent application was filed prior to January 1, 1978, to indicate that the inventor has reviewed and understands the contents of the application if the parent application was filed prior to October 1, 1983, or to indicate the inventor's post office address if the parent application was filed prior to December 1, 1997, and the inventor's mailing or post office address is identified elsewhere in the application.

Petitioner has submitted a copy of the January 9, 2002 petition along with a copy of the decision of March 25, 2002.

As such, the above-identified 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 petition is **GRANTED**.

This Office will not forward notice of this application's filing to the non-signing inventor at the addresses given in the petition, and notice of the filing of this application will not be repeated 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 decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

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

EHSAN ALIPOUR
1095 FOLSOM STREET
SAN FRANCISCO, CA 94103

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SEP 18 2008

In re Application of	:	
Ehsan Alipour	:	
Application No. 11/650,876	:	DECISION ON PETITION
Filed: January 8, 2007	:	
Title: Retractable Label	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 3, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed February 13, 2007, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 14, 2007. A Notice of Abandonment was mailed November 13, 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 items (1) and (2).

Petitioner has not submitted Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.12(d) as required by the February 2007 Notice.

Petitioner states that a Petition under 37 CFFR 1.137(b) was originally filed on May 15, 2008, but mistakenly in provisional application No. 60/757,698, rather than the instant application. Further, petitioner states that the $770.00 check submitted towards payment of the petition fee was never cashed. However, according to USPTO records, the $770.00 petition fee was received on May 19, 2008 and subsequently refunded on September 11, 2008 via treasury check.

Accordingly, petitioner must resubmit the $770.00 petition fee. Petitioner is advised that the petition fee will increase to $810.00 on October 2, 2008.

Any renewed petition may be addressed as follows:

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

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

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

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

EHSAN ALIPOUR
1095 FOLSOM STREET
SAN FRANCISCO, CA 94103

COPY MAILED
DEC 10 2008

In re Application of	:	
Ehsan Alipour	:	
Application No. 11/650,876	:	DECISION ON PETITION
Filed: January 8, 2007	:	
Title: Retractable Label	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 10, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed February 13, 2007, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 14, 2007. A Notice of Abandonment was mailed November 13, 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 (2).

Petitioner has submitted a payment of $770.00 for the petition fee. However, the petition fee is currently $810.00 resulting in a $40.00 shortage.

Any renewed petition may be addressed as follows:

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

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

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

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

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

/Liana Walsh/
Liana Walsh
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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EHSAN ALIPOUR
1095 FOLSOM ST.
SAN FRANCISCO CA 94103

MAILED

FEB 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Ehsan Alipour	:	
Application No. 11/650,876	:	DECISION ON PETITION
Filed: January 8, 2007	:	
Title: Retractable Label	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 29, 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 of Nonprovisional Application (Notice), mailed February 13, 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 April 14, 2007. A Notice of Abandonment was mailed November 13, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Replacement drawings (previously filed on November 10, 2008); (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

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

This application is being referred to 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

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

CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE, NY 11747

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APR 15 2009

OFFICE OF PETITIONS

In re Application of :
TRANDAFIR, Titi :
Application No. 11/650,894 : DECISION ON PETITION
Filed: January 08, 2007 : TO WITHDRAW
Attorney Docket No. **1429-47** : FROM RECORD
:

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, 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 to withdraw less than all attorneys appointed by customer number 50855 cannot be approved. The addition and/or deletion of a practitioner from the list of practitioners associated with a Customer Number should be made by submitting a "Request for Customer Number Data Change" (PTO/SB/124) which will result in the addition or deletion of such practitioner from the list of persons authorized to represent any applicant or assignee of the entire interest who appointed all of the practitioners associated with such Customer Number. See MPEP 403 Section I. Customer Number Practice.

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: **JUVENT, INC.**
3000 ATRIUM DRIVE
SUITE 210
SOMERSET NJ 08873

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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JUAN C. VILLAR
9365 AEGEN DRIVE
BOCA RATON, FL 33496

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SEP 15 2008

In re Application of :
HARRIS, Debra F. :
Application No. 11/650,910 : DECISION ON PETITION
Filed: January 06, 2007 : TO WITHDRAW
Attorney Docket No. **HARRIS-002-CIP-02** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 25, 2008.

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

A review of the file record indicates that the power of attorney to Juan C. Villar has been revoked by the applicant of the patent application on April 18, 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: **MALLOY & MALLOY**
2800 S.W. THIRD AVENUE
HISTORIC CORAL WAY
MIAMI FL 33129

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

MALLOY & MALLOY
2800 S.W. THIRD AVENUE
HISTORIC CORAL WAY
MIAMI FL 33129

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JAN 12 2009

In re Application of :

HARRIS, Debra Fogel :
Application No. 11/650,910 : DECISION ON PETITION
Filed: January 06, 2007 : TO WITHDRAW
Attorney Docket No. **HARRIS-002-CIP-02** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 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. 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 Benjamin M. Hanrahan on behalf of all attorneys of record who are associated with customer No. 04219. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Debra Fogel Harris at the address indicated below.

The application became abandoned for failure to timely reply to the Office action mailed June 03, 2008.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **DEBRA FOGEL HARRIS**
9858 CLIENT MOORE ROAD, C111-248
BOCA RATON, FL 33496

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

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

Mail Date: 04/21/2010

Applicant	: Chu-Fang Yang	: DECISION ON REQUEST FOR
Patent Number	: 7588148	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/650,931	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **265** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

In re Application of	:	
Tomohiro Takizawa, et al.	:	
Application No. 11/651,015	:	DECISION GRANTING PETITION
Filed: January 9, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1381.1031	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 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 May 25, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2841 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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PETER F. CORLESS
ROHM AND HAAS ELECTRONIC MATERIALS, LLC
455 FOREST STREET
MARLBOROUGH, MA 01752

COPY MAILED
MAR 04 2010

In re Application of
Deyan Wang, et al.
Application No. 11/651,090
Filed: January 8, 2007
Attorney Docket No. 52496

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 28, 2009, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 5, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 6, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay.

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

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

This application is being referred to Technology Center AU 1795 for appropriate action by the Examiner in the normal course of business on the reply received December 28, 2009.

April M. Wise
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

Yahoo! Inc.
c/o Frommer Lawrence & Haug LLP
745 Fifth Avenue
NEW YORK, NY 10151

Mail Date: 04/21/2010

Applicant	: Edward Stanley Ott IV	: DECISION ON REQUEST FOR
Patent Number	: 7630972	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/651,102	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/05/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **271** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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CASCADIA INTELLECTUAL PROPERTY
SUITE 1005
500 UNION STREET
SEATTLE, WA 98101

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OFFICE OF PETITIONS

In re Application of :
HOYME, Kenneth P. et al. :
Application No. 11/651,118 : DECISION ON PETITION
Filed: January 08, 2007 : TO WITHDRAW
Attorney Docket No. **115.0114USU1 (05-426)** : FROM RECORD
:

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 26, 2009.

The request is **moot** because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to CASCADIA INTELLECTUAL PROPERTY has been revoked by the assignee of the patent application on February 16, 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: **PAULY, DEVRIES SMITH & DEFFNER, L.L.C.**
PLAZA VII- SUITE 3000
45 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-1630

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Perkins Coie, LLP
P.O. Box 2168
Menlo Park, CA 94026

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AUG 27 2008

OFFICE OF PETITIONS

In re Application of	:	
Rob Pearson et al.	:	
Application No. 11/651,123	:	DECISION ON PETITION
Filed: January 8, 2007	:	TO WITHDRAW
Attorney Docket No. 37167-8044.US01	:	FROM RECORD
	:	

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 20, 2008.

The request is **moot because a revocation of power of attorney has been previously filed.**

A review of the file record indicates that the power of attorney to Peter J. Dehlinger and all attorneys/agents associated with customer number 22918 has been revoked by the assignee of the patent application on June 11, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: AFS/Angiodynamics
666 Third Avenue
Floor 10
New York, NY 10017

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON MA 02111

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MAR 15 2010

In re Application of :
Groen et al. :
Application No. 11/651,124 :
Filed: January 8, 2007 :
Attorney Docket No. 26936-502CON :

ON APPLICATION FOR PATENT TERM ADJUSTMENT

This is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT", filed October 15, 2009. Pursuant to their duty of candor and good faith to the Office, applicants request that the determination of patent term adjustment under 35 U.S.C. § 154(b) include an additional 92 days for applicant delay.

The request for review of the patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is zero **(0)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On July 15, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is zero (0) days.

Applicants state that an additional reduction of 92 days is required for the submission of the reply to the Notice to Comply with Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures filed on August 7, 2007 in response to the February 7, 2007 Notice.

A review of the application history confirms a period of reduction of 92 days should have been entered based on 37 CFR 1.704(b). 37 CFR §1.704(b) provides:

> an 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.

In this instance, a reduction of 92 days for the submission of reply on August 7, 2007 is warranted. The reduction is based upon, the number of days in excess of three months that was taken to reply to the February 7, 2007 Notice.

In view thereof, the correct determination of PTA at the time of the mailing of the notice of allowance is zero **(0)** days.

As this letter was submitted as an advisement to the Office of an error against applicants' favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

The application is being forwarded to the Office of Data Management for issuance of a 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).

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

Telephone inquiries specific to this matter should be directed to the Petitions Attorney Charlema Grant at (571) 272-3215.

/Kery A. Fries/

Kery Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration
Office of Associate Commissioner
For Patent Examination Policy

Enclosure: Copy of REVISED PALM Screen

PTA Calculations for Application: 11/651124			
Application Filing Date:	01/08/2007	PTO Delay (PTO):	32
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	90
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-92		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
57	03/14/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		92	
47	07/15/2009	MAIL NOTICE OF ALLOWANCE			
46	07/10/2009	ISSUE REVISION COMPLETED			
45	07/10/2009	DOCUMENT VERIFICATION			
44	07/10/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
43	07/10/2009	CASE DOCKETED TO EXAMINER IN GAU			
42	07/08/2009	EXAMINER'S AMENDMENT COMMUNICATION			
41	07/08/2009	NOTICE OF ALLOWABILITY			
35	05/16/2009	DATE FORWARDED TO EXAMINER			
34	04/16/2009	RESPONSE AFTER NON-FINAL ACTION		90	28
33	04/16/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
32	05/14/2009	CASE DOCKETED TO EXAMINER IN GAU			
31	05/14/2009	CASE DOCKETED TO EXAMINER IN GAU			
30	04/27/2009	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
29	04/27/2009	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
28	10/16/2008	MAIL NON-FINAL REJECTION			
27	10/14/2008	NON-FINAL REJECTION			
26	01/08/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	08/06/2008	DATE FORWARDED TO EXAMINER			
24	07/09/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
23	07/09/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
22	04/09/2008	MAIL RESTRICTION REQUIREMENT	32		-1

21	04/08/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
20	02/12/2008	CASE DOCKETED TO EXAMINER IN GAU			
19	01/24/2008	PG-PUB ISSUE NOTIFICATION			
18	01/08/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	12/10/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
16	08/07/2007	PRELIMINARY AMENDMENT			
15	01/08/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	11/11/2007	APPLICATION DISPATCHED FROM OIPE			
13	09/28/2007	CRF IS FLAWED TECHNICALLY / NOT ENTERED INTO DATABASE			
12	08/16/2007	SENT TO CLASSIFICATION CONTRACTOR			
11	08/16/2007	APPLICATION IS NOW COMPLETE			
10	08/07/2007	ADDITIONAL APPLICATION FILING FEES			
9	08/07/2007	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
8	08/07/2007	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
7	02/07/2007	SEQUENCE ERRORS			
5	01/30/2007	CLEARED BY OIPE CSR			
4	01/18/2007	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
3	01/17/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	01/08/2007	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
1	01/08/2007	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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OFFICE OF PETITIONS

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

In re Application of :
Taveras et al. :
Application No. 11/651,128 : ON APPLICATION FOR
Filed: January 9, 2007 : PATENT TERM ADJUSTMENT
Atty Docket No. :
OC01643K1Q :

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed on November 11, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is 50 days, not 5 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

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

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

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

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

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

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

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

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

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Anthony Knight
Supervisor
Office of Petitions

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/651,139	01/09/2007	Sergey A. Velichko	303.750US2

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

DATE MAILED: September 18, 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 29, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

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DICKE, BILLIG & CZAJA
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS, MN 55402

Mail Date: 04/21/2010

Applicant	: Thomas Nirschl	: DECISION ON REQUEST FOR
Patent Number	: 7652914	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/651,157	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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Paper No.

DR. MELVIN BLECHER
4329 VAN NESS ST., NW
WASHINGTON DC 20016

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MAR 31 2008

In re Application of :
Theoharis Theoharides :
Application No. 11/651,161 : DECISION ON
Filed: January 11, 2007 : PETITION
Atty Docket No. 51275/162 :

This is a decision on the "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action" filed December 10, 2007 (and resubmitted February 29, 2008).

The above-identified application became abandoned for failure to file a reply to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION mailed March 13, 2007. This Notice set a two-month time limit for reply, with extensions of time obtainable under 37 CFR 1.136(a). No reply having been received and no extension of time obtained, the above-identified application became abandoned on May 14, 2007. A courtesy Notice of Abandonment was mailed on November 19, 2007.

In response, applicants timely filed the instant petition. Applicants request withdrawal of the holding of abandonment pursuant to Delgar v. Schulyer on the basis of non-receipt of the Office action.

A review of the application file does not reveal an irregularity in the mailing of the Notice to File Missing Parts of Application mailed March 13, 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. As stated in MPEP 711.03(c):

> 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 supported his claim of non-receipt with such evidence.

In view thereof, the notice of abandonment mailed November 19, 2007 and the holding of abandonment are hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

The Office of Patent Application Processing (formerly known as the Office of Initial Patent Examination) has been advised of this decision. The application file is, thereby, forwarded to the Office of Patent Application Processing **to withdraw the holding of abandonment** and **to re-mail the NOTICE TO FILE MISSING PARTS OF APPLICATION mailed March 13, 2007** and **to restart 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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CHARLES E. BAXLEY, ESQUIRE
90 JOHN STREET
SUITE 309
NEW YORK NY 10038

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OCT 10 2008

OFFICE OF PETITIONS

In re Application of :
Wang :
Application No. 11/651,210 :
Filed: 01/09/2007 :
Attorney Docket No. 16964 B (5348 BJ) :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 9, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to pay the issue fee and publication fee as required by the Notice of Allowance and Fee(s) Due mailed on April 8, 2008, which set a three (3) month statutory period for reply. Accordingly, the application became abandoned on July 9, 2008. A Notice of Abandonment was mailed on August 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 payment of the issue fee and publication fee, (2) the petition fee, and (3) a proper statement of unintentional delay.

This matter is being forwarded to the Office of Data Management for issuance of a patent.

Telephone inquiries concerning the issuance of the application into a patent should be directed to the Office of Data Management, Customer Service at (571) 272-4200.

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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MARK R. WISNER
WISNER & ASSOCIATES
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1177 WEST LOOP SOUTH
HOUSTON, TX 77027-9012

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JUN 24 2008

OFFICE OF PETITIONS

In re Application of :
Gary L. Sitton :
Application No. 11/651,227 : ON PETITION
Filed: January 9, 2007 :
Attorney Docket No. SITA,003/DIVDIV :

This is a decision in response to the petition, filed January 14, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 16, 2007, which set a shortened statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 17, 2007. On December 12, 2007, a Notice of Abandonment was mailed, indicating that the response filed November 23, 2007, using a Certificate of Mailing under 37 CFR 1.8 dated November 19, 2007 was untimely. On January 14, 2008, the present petition was filed, along with a copy of the amendment filed November 23, 2007. Petitioner request that the application be revived and that the 3-month extension of time fee submitted with the response on November 23, 2007 be applied toward payment of the present petition fee.

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 extension of time fee submitted with the untimely amendment on November 23, 2007 was subsequent to the maximum extendable period for reply, the fee is unnecessary and will be applied towards payment of the $770 petition fee as requested.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $770; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 3644 for appropriate action by the Examiner in the normal course of business on the amendment received November 23, 2007.

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

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 11651227 Total Records Found: 5

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
01/15/2008	00000031	1	1999	$245.00	01/14/2008	CC
11/23/2007	00000025	1	2253	$525.00	11/23/2007	CC
01/11/2007	00000088	1	2011	$150.00	01/09/2007	CC
01/11/2007	00000089	1	2111	$250.00	01/09/2007	CC
01/11/2007	00000090	1	2311	$100.00	01/09/2007	CC

Adjustment date: 06/24/2008 CKHLOK
11/23/2007 AAHMADI 00000018 11651227
01 FC:2253 -525.00 OP

06/24/2008 CKHLOK 00000014 11651227
01 FC:2453 770.00 OP

Adjustment date: 06/24/2008 CKHLOK
01/15/2008 CHEGA1 00000022 11651227
01 FC:1999 -245.00 OP

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DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA, PA 19103-2307

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JUN 26 2008

OFFICE OF PETITIONS

Applicant: Castro Fresno
Appl. No.: 11/651,270
Filing Date: January 9, 2007
Title: IMPACT ABSORBENT ASSEMBLY IN SLOPE PROTECTION SYSTEM
Attorney Docket No.: 4397-PO423US00
Pub. No.: US 2007/0125613-A1
Pub. Date: June 7, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 15, 2007, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the inventor's name Daniel Castro Fresno is misprinted.

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 of an inventor's name and residence do not affect the understanding of the application. The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[1]Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

WAGNER MURABITO & HAO LLP
123 Westridge Drive
Watsonville CA 95076

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SEP 0 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Luis Aldaz, John P. Wagner Jr.,	:	
Kaushik Barman, Allan A.	:	
Johnson, and Raghavendra	:	
Malladi	:	
Application No. 11/651,272	:	
Filed: January 8, 2007	:	DECISION ON PETITION
Attorney Docket No. HSFT-005	:	UNDER 37 C.F.R. § 1.47(A)
Title: CONDITIONAL ACTIVATION	:	
AND DEACTIVATION OF A	:	
MICROPROCESSOR	:	

This is in response to the petition under 37 C.F.R. § 1.47(a)[1], filed August 13, 2007.

1A grantable petition under 37 C.F.R. §1.47(a) requires:

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

On January 8, 2007, the application was filed, identifying Luis Aldaz, John P. Wagner Jr., Kaushik Barman, Allan A. Johnson, and Raghavendra Malladi as joint inventors. The application was deposited without an executed oath or declaration. On February 8, 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 associated surcharge. This Notice set a two-month period for reply.

Along with the present petition, Petitioner has submitted the petition fee, a declaration which has been executed by each of the inventors save Mr. Aldaz along with the surcharge associated with the late submission of the same, and a statement of facts. Petitioner has further submitted a four-month extension of time so as to make timely this response - it is noted that the present submission contains a certificate of mailing dated August 7, 2007.

Petitioner has met requirements (1) - (2) of Rule § 1.47(a).

Petitioner has set forth that the inventor is deceased, and the legal representatives of the same (his parents), cannot be located.

Regarding the third requirement of Rule § 1.47(a), Petitioner has failed to include a statement of the last known address of the legal representatives of the deceased inventor[2].

Regarding the fourth requirement or Rule § 1.47(a), Petitioner has asserted that the legal representatives of the deceased inventor cannot be found or reached, however he has not submitted adequate proof that diligent efforts have been made to locate these individuals. *As Petitioner has set forth that* the legal representatives of the deceased inventor *cannot be found or reached, he is required to establish that a diligent effort was made to locate these individuals.* Petitioner sent two e-mails, however there is no indication that a search was performed for them. There is no indication that the Rule 47 applicant attempted to verify the address of the legal representatives of the deceased inventor or to determine their forwarding address, and to send the complete application papers to that address for consideration by them[3]. Petitioner must provide a showing detailing the attempts that were made to obtain a forwarding address or to locate the legal representatives of the deceased

2 See MPEP 409.03(e).
3 See MPEP 409.03(d).

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 legal representatives of the deceased inventor cannot be reached. Details of the efforts to locate them should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details.

Regarding the fifth requirement of Rule § 1.47(a), the declaration fails to comply with Rule § 1.64(b), in that it fails to list either the names, the relationship, or the pertinent information for the legal representatives. Furthermore, the declaration should indicate that Mr. Aldaz is deceased.

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

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[4], hand-delivery[5], or facsimile[6]. 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]. All other inquiries

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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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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123 Westridge Drive
Watsonville CA 95076

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APR 14 2008

OFFICE OF PETITIONS

In re Application of Luis Aldaz, John P. Wagner Jr., Kaushik Barman, Allan A. Johnson, and Raghavendra Malladi Application No. 11/651,272 Filed: January 8, 2007 Attorney Docket No. HSFT-005 Title: CONDITIONAL ACTIVATION AND DEACTIVATION OF A MICROPROCESSOR	DECISION ON RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.47(A)

This is in response to the renewed petition pursuant to 37 C.F.R. § 1.47(a)[1], filed March 17, 2008.

This renewed petition is **DISMISSED**.

Receipt of the concurrently submitted petition for a five-month extension of time, so as to make timely this submission, is acknowledged.

On January 8, 2007, the application was filed, identifying Luis Aldaz, John P. Wagner Jr., Kaushik Barman, Allan A. Johnson, and Raghavendra Malladi as joint inventors. The application was deposited without an executed oath or declaration. On February 8, 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 associated surcharge. This Notice set a two-month period for reply.

An original petition was filed on August 13, 2007, along with the petition fee, a declaration that had been executed by each of the inventors save Mr. Aldaz along with the surcharge associated with the late submission of the same, a statement of facts, and a four-month extension of time so as to make timely this submission[2].

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.

The original petition was dismissed via the mailing of a decision on September 4, 2007, for failing to meet requirements (3) - (5) of Rule 1.47(a). Petitioner set forth that the inventor is deceased, and the legal representatives of the same (his parents) cannot be located, however: the last known address of the legal representatives of the deceased inventor was not provided, it was not established that a diligent effort had been made to locate these individuals, and the provided declaration did not comply with Rule 1.64(b) in that it did not contain the names, relationship, or the pertinent information for the legal

2 The original petition contained a certificate of mailing dated August 7, 2007.

representatives. Moreover, the declaration did not indicate that Mr. Aldaz is deceased.

With this renewed petition, Petitioner has attempted to achieve joinder via the submission of a declaration that has been executed by a legal representative of the deceased inventor.

This declaration cannot be accepted, as it fails to comply with 37 C.F.R. §§ 1.63(a)(2)[3] and 1.64(a)[4] - **the declaration lists only the deceased inventor, and does not list Messrs. Wagner, Barman, Johnson, or Malladi as inventive entities.** Moreover, it is noted that it **lists Luis Aldaz as both the deceased inventor and the representative of the deceased inventor**[5].

Since the declaration cannot be accepted, it follows that joinder has not been achieved.

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 to the address will delay the delivery of the response to the undersigned.

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3 "Identify each inventor (emphasis added) by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial."
4 "The oath or declaration (§ 1.63), including any supplemental oath or declaration (§ 1.67), must be made by all of the actual inventors (emphasis added) except as provided for in §§ 1.42, 1.43, 1.47, or § 1.67."
5 The text "Luis Aldaz" appears adjacent to the field that reads "Full Name of Legal Representative of Deceased 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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[10]. 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

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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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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123 Westridge Drive
Watsonville CA 95076

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OFFICE OF PETITIONS

In re Application of	
Luis Aldaz, John P. Wagner Jr.,	
Kaushik Barman, Allan A.	
Johnson, and Raghavendra	DECISION NOTING JOINDER AND
Malladi	DISMISSING RENEWED PETITION
Application No. 11/651,272	PURSUANT TO 37 C.F.R.
Filed: January 8, 2007	§ 1.47(A) AS MOOT
Attorney Docket No. HSFT-005	
Title: CONDITIONAL ACTIVATION	
AND DEACTIVATION OF A	
MICROPROCESSOR	

This is in response to the second renewed petition pursuant to 37 C.F.R. § 1.47(a), filed June 16[1], 2008.

On January 8, 2007, the application was filed, identifying Luis Aldaz, John P. Wagner Jr., Kaushik Barman, Allan A. Johnson, and Raghavendra Malladi as joint inventors. The application was deposited without an executed oath or declaration. On February 8, 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 associated surcharge. This Notice set a two-month period for reply.

An original petition was filed on August 13, 2007, along with the petition fee, a declaration that had been executed by each of the

1 It is noted that June 14, 2008 fell on a Saturday.

inventors save Mr. Aldaz along with the surcharge associated with the late submission of the same, a statement of facts, and a four-month extension of time so as to make timely this submission[2]. The original petition was dismissed via the mailing of a decision on September 4, 2007.

A renewed petition was filed on March 17, 2008, which was dismissed via the mailing of a decision on April 14, 2008. Petitioner attempted to achieve joinder via the submission of a declaration that had been executed by a legal representative of the deceased inventor, however the declaration could not be accepted.

With this second renewed petition, Petitioner has included an acceptable declaration that has been executed by the previously non-signing legal representative of the deceased joint inventor.

As such, this second renewed petition is **DISMISSED AS MOOT**.

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

The 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[3].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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2 The original petition contained a certificate of mailing dated August 7, 2007.

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.

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

WAGNER MURABITO & HAO LLP
123 Westridge Drive
Watsonville CA 95076

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SEP 20 2007

OFFICE OF PETITIONS

In re Application of:	:	
Aldaz et al.	:	
Application No. 11/651287	:	DECISION DISMISSING
Filing or 371(c) Date: 01/08/2007	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
PASSIVE LISTENING IN	:	
WIRELESS COMMUNICATION	:	

This is in response to the "Petition Form for Signature by Person with Sufficient Proprietary Interest on Behalf of Legal Representative of Deceased Inventor(s) who Refused to Sign or Cannot be Reached (37 CFR 1.47(b)", filed July 12, 2007. The petition is properly treated under 37 CFR 1.47(a), to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor[1].

The petition is **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 [insert the applicable code section]"; 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 January 8, 2007, without a fully executed oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application, on February 8, 2007, requiring *inter alia*, a properly signed oath or declaration.

Applicant files the present petition in response to the Notice, along with an oath/declaration. Applicant asserts that the nonsigning inventor is deceased, and that the legal representative(s) of

[1] A petition under 37 CFR 1.47(b) is filed whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort. In that instance, 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. Here, there is at least one inventor who has executed the oath/declaration. Under 37 CFR 1.47(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(s) on behalf of himself or herself and the nonsigning inventor.

the deceased inventor cannot be found or reached after diligent effort. Efforts to locate the legal representative(s) of the deceased inventor include an email sent to the last known email address of the deceased inventor's sister, and an email sent to the last known email address of the deceased inventor's parents. No replies to the emails were received.

Applicable Law, Rules and/or MPEP

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the (legal representative of 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 (legal representative of the) non-signing inventor. Applicant lacks items (1), (2) and (4) set forth above[2].

As to item (1), applicant is advised that, where an inventor is unavailable (cannot be reached), "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. At the very least, an Internet search, or a search of telephone directories should be undertaken of the regions where it is suspected the non-signing inventor may reside. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions. *See*, MPEP § 409.03(d).

As to item (2), 37 CFR § 1.63, Oath or declaration provides, in relevant part:

> § 1.63 Oath or declaration.
> (c) Unless such information is supplied on an application data sheet in accordance with § 1.76, the oath or declaration must also identify:
> (1) The mailing address, and the residence if an inventor lives at a location which is different from where the inventor customarily receives mail, of each inventor;

As to item (2), a Supplemental Oath or Declaration or ADS identifying mailing address of the deceased inventor's legal representative, and the residence, if the legal representative lives at a location which is different from where the legal representative customarily receives mail, is required.

As to item (4), a statement of the last known address of the legal representative of the non-signing inventor is required.

---

[2] 35 U.S.C. 117, Death or incapacity of inventor, states that Legal representatives of deceased inventors and of those under legal incapacity may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor

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

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

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

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

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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123 Westridge Drive
Watsonville CA 95076

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OFFICE OF PETITIONS

In re Application of:	:	
Aldaz et al.	:	
Application No. 11/651287	:	DECISION DISMISSING
Filing or 371(c) Date: 01/08/2007	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
PASSIVE LISTENING IN	:	
WIRELESS COMMUNICATION	:	

This is in response to the "Request for Reconsideration of Petition Under 37 CFR 1.47(a), filed March 17, 2008, noting the joinder of the legal representative of inventor Luis Aldaz.

The petition is **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 [insert the applicable code section]"; 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 January 8, 2007, without a fully executed oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application, on February 8, 2007, requiring *inter alia*, a properly signed oath or declaration.

Applicant filed a petition in response to the Notice, along with an oath/declaration on July 12, 2007. Applicant asserted that the nonsigning inventor is deceased, and that the legal representative(s) of the deceased inventor could not be found or reached after diligent effort. Efforts to locate the legal representative(s) of the deceased inventor included an email sent to the last known email address of the deceased inventor's sister, and an email sent to the last known email address of the deceased inventor's parents. No replies to the emails were received.

The petition was dismissed in a Decision mailed September 20, 2007. The Decision dismissing the petition informed Applicant that, where an inventor is unavailable (cannot be reached), "after

diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. At the very least, an Internet search, or a search of telephone directories should be undertaken of the regions where it is suspected the non-signing inventor may reside. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions. See, MPEP § 409.03(d).

The Decision also noted that a Supplemental Oath or Declaration or ADS identifying mailing address of the deceased inventor's legal representative, and the residence, if the legal representative lives at a location which is different from where the legal representative customarily receives mail, was required, and that a statement of the last known address of the legal representative of the non-signing inventor was also required. In a footnote, the Decision also stated that "35 U.S.C. 117, Death or incapacity of inventor, states that Legal representatives of deceased inventors and of those under legal incapacity may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor." Decision at p.2. fn.2.

Applicant files the present renewed petition and an oath/declaration executed by the legal representative of the deceased inventor. No other inventors are listed on the oath/declaration.

Applicable Law, Rules and/or MPEP

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the (legal representative of 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 (legal representative of the) non-signing inventor. Applicant lacks items (2) set forth above.

As to item (1), 37 CFR § 1.63, Oath or declaration, states:

> (a) An oath or declaration filed under § 1.51(b)(2) as a part of a nonprovisional application must:
> (1) Be executed, i.e., signed, in accordance with either § 1.66 or § 1.68. There is no minimum age for a person to be qualified to sign, but the person must be competent to sign, i.e., understand the document that the person is signing;
> (2) Identify each inventor by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial;
> (3) Identify the country of citizenship of each inventor; and
> (4) State that the person making the oath or declaration believes the named

> inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.,

Here, Applicant files an oath/declaration that failes to identify each inventor. The oath/declaration filed with the present petition and executed by the legal representative of the nonsigning inventor states

> As the below named legal representative for a deceased inventor, I hereby declare that my residence post office address, and citizenship are as stated below my name. Further, I hereby declare that I believe I am the legal representative for an original, first inventor and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought....

37 CFR § 1.67, Supplemental oath or declaration, states:

> (a) The Office may require, or inventors and applicants may submit, a supplemental oath or declaration meeting the requirements of § 1.63 or § 1.162 to correct any deficiencies or inaccuracies present in the earlier filed oath or declaration.
> (1) Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1.42, 1.43, or § 1.47) may be corrected with a supplemental oath or declaration signed by all the inventors or applicants.
> (2) Deficiencies or inaccuracies relating to fewer than all of the inventor(s) or applicant(s) (§§ 1.42, 1.43 or § 1.47) may be corrected with a supplemental oath or declaration identifying the entire inventive entity but signed only by the inventor(s) or applicant(s) to whom the error or deficiency relates.

The oath/declaration lists only one name, to wit – the name of the legal representative of the deceased inventor. An executed oath or declaration that identifies the entire inventive entity the legal in compliance with 37 CFR 1.63 is required.

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

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In re Application of:	:	
Aldaz et al.	:	
Application No. 11/651287	:	DECISION NOTING
Filing or 371(c) Date: 01/08/2007	:	JOINDER OF
Title of Invention:	:	INVENTOR
PASSIVE LISTENING IN	:	
WIRELESS COMMUNICATION	:	

This is in response to the "Resubmission of Second Request for Reconsideration of Petition Under 37 CFR 1.47(a)," filed September 25, 2008, noting the joinder of the legal representative of inventor Luis Aldaz.

In view of the joinder of the legal representative of the deceased inventor, further consideration under 37 CFR 1.47(a) is not necessary and the Renewed 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).

The Declaration has been entered and made of record.

This application is being referred to Technology Center Art Unit 2619 for examination in th normal course of business.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

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

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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MAY 04 2009

OFFICE OF PETITIONS

LANXESS CORPORATION
111 RIDC PARK WEST DRIVE
PITTSBURGH PA 15275-1112

In re Application of :
Diehl, et al. :
Application No. 11/651,309 : ON PETITION
Filed: January 9, 2007 :
Attorney Docket No. CH7804C :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed March 27, 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 Office action mailed July 3, 2008. This Office action set a shortened statutory period for reply of one (1) month. No reply having been received, the application became abandoned on August 4, 2008. The Office mailed a Notice of Abandonment on February 4, 2009.

With the instant petition, petitioner made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of an Election.

The application is being forwarded to Group Art Unit 1625 for consideration of the Election filed March 27, 2009.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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WAGNER MURABITO & HAO LLP
123 WESTRIDGE DRIVE
WATSONVILLE CA 95076

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SEP 28 2007

OFFICE OF PETITIONS

In re Application of	:	
Aldaz, et al.	:	
Application No. 11/651,330	:	DECISION REFUSING STATUS
Filed: January 8, 2007	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. HSFT-003	:	

This is in response to the petition under 37 CFR 1.47(b), filed August 13, 2007, which is properly treated under 37 CFR 1.47(a).

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

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (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. Rule 47 applicant has not met requirements (1) and (4) above.

Rule 47 applicant has not demonstrated diligent effort in attempting to find the legal representatives of deceased inventor Aldaz. Applicant has provided no documentary evidence, such as a copy of an internet search.[1] Moreover, petitioner has not supplied copies of the e-mails sent to Aldaz's sister and parents. Rather, Applicant has only stated the he does not have an address for the parents of Aldaz.

With respect to requirement (4), Rule 47 applicant has not provided a statement of the last known address of the legal representatives.

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 may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

[1] Such documentary evidence should be made part of the affidavit or declaration. See id.

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123 WESTRIDGE DRIVE
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OFFICE OF PETITIONS

In re Application of	:	DECISION DISMISSING
Aldaz, et al.	:	PETITION
Application No. 11/651,330	:	
Filed: January 8, 2007	:	
Attorney Docket No. HSFT-003	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed March 17, 2008.

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).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (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. Rule 47 applicant has not met requirement (2) above.

Rule 47 applicant has submitted a declaration executed by the legal representative for deceased inventor Aldaz. However, the declaration identifies Aldaz as the sole inventor - the other inventors are not identified. Regarding this, the Manual of Patent Examining Procedure states:

> While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).[1]

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 may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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[1] MPEP 201.03(B).

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MAY 27 2008

In re Application of	:	DECISION NOTING JOINDER
Aldaz, et al.	:	OF LEGAL REPRESENTATIVE
Application No. 11/651,330	:	AND PETITION UNDER
Filed: January 8, 2007	:	37 CFR 1.47(a) MOOT
Attorney Docket No. HSFT-003	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed April 24, 2008.

The petition under 37 CFR 1.47(a) is **DISMISSED** as moot.

In view of the **joinder** of the previously non-singing legal representative, 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).

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

Cliff Congo
Petitions Attorney
Office of Petitions

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JUL 30 2008

WAGNER MURABITO & HAO LLP
123 WESTRIDGE DRIVE
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In re Application of	:	DECISION NOTING JOINDER
Aldaz, et al.	:	OF LEGAL REPRESENTATIVE
Application No. 11/651,330	:	AND PETITION UNDER
Filed: January 8, 2007	:	37 CFR 1.47(a) MOOT
Attorney Docket No. HSFT-003	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed June 30, 2008.

The petition under 37 CFR 1.47(a) is **DISMISSED** as moot.

As stated in the decision mailed on May 27, 2008, in view of the **joinder** of the previously non-singing legal representative, 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).

The matter is being forwarded to Group Art Unit 2617 for examination in due course.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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FAYETTEVILLE AR 72701

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OFFICE OF PETITIONS

In re Application of	:	
Terminella, et al.	:	
Application No. 11/651,331	:	DECISION ON PETITION
Filed: January 9, 2007	:	
Attorney Docket No. 016295	:	

This is a decision on the "EVIDENCE OF DEPOSIT OF ITEM(S) WITH APPLICATION INDICATED AS OMITTED IN THE 'NOTICE OF OMITTED ITEMS'", filed May 15, 2007, which is being treated as a Petition Under 37 CFR 1.53, to accord the above-identified application a filing date of January 9, 2007, with page 2 of the specification as a part of the original disclosure.

Application papers in the above-identified application were filed on January 9, 2007. However, on March 12, 2007, the Initial Patent Examination Division mailed applicants a "Notice of Omitted Items in a Nonprovisional Application." Applicants were notified that the application papers had been accorded a filing date; however, page 2 of the specification appeared to have been omitted.

In response, applicants timely filed the instant petition. Petitioner maintains that the application as originally filed included page 2 of the specification. As evidence of receipt in the Office of page 2 of the specification, petitioner submitted a true and correct copy of the returned postcard receipt.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of

petitioner's postcard receipt reveals that it identifies the items that were filed, including "14 Pgs. Spec.".

A review of the record reveals that applicant did in fact file 14 pages of specification - one cover sheet (not indicated on the postcard), pages 1 and 3-11 of the specification, two pages of claims, and one page of abstract.

Accordingly, the petition is **DISMISSED**.

Page 2 of the specification, submitted with the instant petition on May 15, 2007, will not be entered or used during the prosecution of this application. However, applicant may resubmit the matter included in page 2 of the specification for consideration by the examiner under Section 608.04 of the Manual of Patent Examining Procedure. Any request for reconsideration of this decision should be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

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

The matter will be forwarded to the Office of Initial Patent Examination for further processing with a filing date of January 9, 2007, using the pages of specification filed on that date.

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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ROCKVILLE MD 20850

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In re Application of
Hsiuan-Ju Hsu et al
Application No. 11/651,338
Filed: January 10, 2007
Attorney Docket No. TW-WPA-0678

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed November 26, 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 January 11, 2007 and December 17, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

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

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

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

The 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 was mailed on September 17, 2008.

Applicant should note that form PTO/SB/64(a) should have been submitted instead of form PTO/SB/64. Note 37 CFR 1.137(f).

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

This application is being referred to Technology Center Art Unit 2841 for examination in due course.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

WAGNER MURABITO & HAO LLP
123 Westridge Drive
Watsonville CA 95076

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DEC 1 1 2007

OFFICE OF PETITIONS

In re Application of	:	
Luis Aldaz, Kaushik Barman	:	DECISION REFUSING STATUS
Allan Johnson and	:	UNDER 37 CFR 1.47(a)
Raghavendra Malladi	:	
Application No. 11/651,358	:	
Filed: January 8, 2007	:	
Atty Docket No. HSFT-006	:	

This is in response to the "PETITION FORM FOR SIGNATURE BY PERSON WITH SUFFICIENT PROPRIETARY INTEREST ON BEHALF OF LEGAL REPRESENTATIVE OF DECEASED INVENTOR(S) WHO REFUSE(S) TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(b))" filed July 12, 2007.

The petition is **DISMISSED**.

Rule 47 applicants 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 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath(s) or declaration(s) executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 C.F.R. §1.136(a).

The above-identified application was filed on January 8, 2007, with an unexecuted declaration. Further the declaration did not include the mailing address and/or residence of the inventors. Accordingly, on February 8, 2007, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring submission of an executed oath or declaration in

compliance with 37 CFR 1.63(c) and the surcharge for late filing under § 1.16(e).

In response, rule 47 applicants filed the instant petition (and petition fee), a declaration executed by all of the inventors except inventor Aldaz as well as a declaration executed by John P. Wagner on behalf of the assignee and the legal representative of deceased inventor Luis Aldaz, and the late surcharge with a certificate of mailing dated Monday, January 9, 2007. The petition includes a declaration of facts of patent attorney John Wagner and a statement of the last known address of inventor Aldaz. This response was made timely by an accompanying petition and fee for extension of time for response within the third month.

First, of all, filing under 37 CFR 1.47(b) and 35 U.S.C. 118 is permitted only when no inventor is available to make application. As inventors Barman, Johnson and Malladi are available to join in the application, filing under 37 CFR 1.47(b) is not permitted. Accordingly, the declaration executed by John Wagner pursuant to §1.47(b) is not acceptable.

Secondly, consideration of the unavailability of the legal representative of inventor Aldaz is properly had under 37 CFR 1.47(a). 37 CFR 1.47 should not be considered an alternative to 37 CFR 1.42 or 35 U.S.C. 117 since the language "cannot be found or reached after diligent effort" has no reasonable application to a deceased inventor. In re Application Papers Filed September 10, 1954, 108 USPQ 340 (Comm'r Pat. 1955). See 37 CFR 1.42 and MPEP § 409.01. However, 37 CFR 1.47 does apply where a known legal representative of a deceased inventor cannot be found or reached after diligent effort, or refuses to make application. In such cases, the last known address of the legal representative must be given (see MPEP § 409.03(e)). The instant petition does not identify the legal representative. Moreover, there is no showing that the legal representative cannot be found or reached after diligent effort or refuses to join in the application.

Finally, 37 CFR 1.47(a) and 35 U.S.C. 116, second paragraph, requires all available joint inventors to file an application "on behalf of" themselves and on behalf of a joint inventor who "cannot be found or reached after diligent effort" or who refuses to "join in an application."

In addition to other requirements of law (35 U.S.C. 111(a) and 115), an application deposited in the U.S. Patent and Trademark Office pursuant to 37 CFR 1.47(a) must meet the following requirements:

> (A) All the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602, § 605.01, and § 1414) and (2) make oath or declaration on behalf of the nonsigning joint inventor as required by 37 CFR 1.64. An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.
> (B) The application must be accompanied by proof that the nonsigning inventor (1) cannot be found or reached after diligent effort or (2) refuses to execute the application papers. See MPEP § 409.03(d).
> (C) The last known address of the nonsigning joint inventor must be stated. See MPEP § 409.03(e).

In this instance, the petition must identify and show the unavailability of the legal representative. Likewise, the declaration must include the information for both the deceased inventor and for the legal representative. Finally, the declaration must be executed by the available joint inventors on behalf of themselves and on behalf of the legal representative.

Receipt of the petition fee is acknowledged.

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 concerning this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of	:	
Luis Aldaz, Kaushik Barman	:	DECISION REFUSING STATUS
Allan Johnson and	:	UNDER 37 CFR 1.47(a)
Raghavendra Malladi	:	
Application No. 11/651,358	:	
Filed: January 8, 2007	:	
Atty Docket No. HSFT-006	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)" filed March 17, 2008.

The petition is **DISMISSED**.

Rule 47 applicants 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 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath(s) or declaration(s) executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 C.F.R. §1.136(a).

The above-identified application was filed on January 8, 2007, with an unexecuted declaration. In response to the Notice to File Missing Parts of Nonprovisional Application mailed February 8, 2007, applicants filed the initial petition.

By decision mailed December 11, 2007, the petition was dismissed. The petition included a declaration executed by all of the inventors except inventor Aldaz as well as a declaration executed by John P. Wagner on behalf of the assignee and the

legal representative of deceased inventor Luis Aldaz. Petitioner was advised that pursuant to 37 CFR 1.47(a) and 35 U.S.C. 116, where any inventors are available, all available joint inventors must file an application on behalf of themselves and on behalf of the nonsigning joint inventor (or in this instance, the nonsigning legal representative of the deceased joint inventor). An acceptable declaration in compliance with 37 CFR 1.63 was required. Petitioner was further advised that joinder of the nonsigning legal representative was an acceptable response.

On instant renewed petition, applicants filed a declaration for patent executed by Luis Aldaz on behalf of deceased joint inventor Luis Aldaz. Preliminarily, it is presumed that the Luis Aldaz is the father of the deceased inventor of the same name because it is improper for anyone else to sign the inventor's name. Clarification is **required**.

Regardless, this declaration is not acceptable. It is not in compliance with 37 CFR 1.63. A declaration for patent must identify all of the inventors by name, residence and/or mailing address and citizenship. See MPEP 409.01. The declaration executed by Mr. Aldaz only identifies Luis Aldaz. 37 CFR 1.63(a) provides that:

> (a) An oath or declaration filed under § 1.51(b)(2) as a part of a nonprovisional application must:
> (1) Be executed, i.e., signed, in accordance with either § 1.66 or § 1.68. There is no minimum age for a person to be qualified to sign, but the person must be competent to sign, i.e., understand the document that the person is signing;
> (2) Identify each inventor by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial;
> (3) Identify the country of citizenship of each inventor; and
> (4) State that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

Further, as stated in the prior decision, the declaration must include the information for both the deceased inventor and for

the legal representative. Specifically, the petition must include the above information for both the inventor and the legal representative. The last known address of the deceased inventor should be used. The legal representative of the deceased inventor should identify himself as such in the oath or declaration submitted pursuant to 37 CFR 1.63 and 1.64.

Submission of a declaration in compliance with 37 CFR 1.63 and 1.64 and in compliance with all relevant rules, statutes and regulations is required to avoid abandonment of this application.

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 concerning this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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OFFICE OF PETITIONS

In re Application of	:	
Luis Aldaz, Kaushik Barman	:	DECISION REFUSING STATUS
Allan Johnson and	:	UNDER 37 CFR 1.47(a)
Raghavendra Malladi	:	
Application No. 11/651,358	:	
Filed: January 8, 2007	:	
Atty Docket No. HSFT-006	:	

This is in response to the "SECOND REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)" filed July 7, 2008.

The petition is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. In other words, the filing of executed oaths or declarations by previously non-signing inventors is a proper response to this decision. 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 January 8, 2007, with an unexecuted declaration. In response to the Notice to File Missing Parts of Nonprovisional Application mailed February 8, 2007, applicants filed the initial petition.

By decision mailed December 11, 2007, the petition was dismissed. The petition included a declaration executed by all of the inventors except inventor Aldaz as well as a declaration executed by John P. Wagner on behalf of the assignee and the legal representative of deceased inventor Luis Aldaz.

Petitioner was advised that pursuant to 37 CFR 1.47(a) and 35 U.S.C. 116, where any inventors are available, all available joint inventors must file an application on behalf of themselves and on behalf of the nonsigning joint inventor (or in this instance, the nonsigning legal representative of the deceased joint inventor). An acceptable declaration in compliance with 37 CFR 1.63 was required. Petitioner was further advised that joinder of the non-signing legal representative was an acceptable response.

By decision mailed April 28, 2008, the "SECOND REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)" filed March 17, 2008 was dismissed. Applicants filed a declaration for patent executed by Luis Aldaz on behalf of deceased joint inventor Luis Aldaz. However, this declaration was not in compliance with 37 CFR 1.63. It did not identify all inventors by name, residence and/or mailing address and citizenship.

The declaration submitted on instant renewed petition continues to be defective. As stated in the prior decision, the declaration must include the information (name, residence and/or mailing address and citizenship) for both the deceased inventor and for the legal representative. Specifically, the petition must include the above information for both the inventor and the legal representative. The last known address of the deceased inventor should be used. The legal representative of the deceased inventor should identify himself as such in the oath or declaration submitted pursuant to 37 CFR 1.63 and 1.64.

Applicants still have not provided the required information (residence and/or mailing address and citizenship) for both the deceased inventor and the legal representative. Instead, a comparison of the declaration signed by inventors Barman, Johnson and Malladi and the declaration executed by the legal representative indicates that applicants have removed the information for the deceased inventor and entered only information for the legal representative. For example, the address set forth for deceased inventor Aldaz on the declaration signed by the available inventors is not used on the declaration signed by the legal representative.

With respect to these requirements, applicants' attention is directed to:

- 37 CFR 1.63(a)(3) which requires that applicants "identify the country of citizenship of each inventor." This requirement continues even where the inventor is deceased. This requirement extends to the legal representative of the deceased inventor. Moreover, this requirement is statutory, 35 U.S.C. 115, and cannot be waived.

- 37 CFR 1.63(c) which requires that "unless such information is supplied on an application data sheet in accordance with § 1.76, the oath or declaration must also identify:

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

  No application data sheet was filed in this application. It is noted that citizenship must be supplied on the declaration. Its inclusion on an application data sheet is not sufficient to meet the statutory requirement.

- 37 CFR 1.64(b) which requires that "if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative."

Thus, for joinder of the legal representative, a newly executed declaration in compliance with 1.63 and 1.64 is required. Further, a declaration (or separate identical declarations) signed by the legal representative and by the available joint inventors in compliance with 1.63 and 1.64 is required. The declaration signed by the available joint inventors indicates that inventor Aldaz is unavailable which is not appropriate, and does not include the information for the legal representative.

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 concerning this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

WAGNER MURABITO & HAO LLP
123 Westridge Drive
Watsonville CA 95076

MAILED

FEB 09 2009

OFFICE OF PETITIONS

In re Application of :
Luis Aldaz, Kaushik Barman :
Allan Johnson and : ON REQUEST FOR RECONSIDERATION
Raghavendra Malladi :
Application No. 11/651,358 :
Filed: January 8, 2007 :
Atty Docket No. HSFT-006 :

This is in response to the "THIRD REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)" filed October 29, 2008.

The petition is **DISMISSED**.

Applicants 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 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath(s) or declaration(s) executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 C.F.R. §1.136(a).

The above-identified application was filed on January 8, 2007, with an unexecuted declaration. In response to the Notice to File Missing Parts of Nonprovisional Application mailed February 8, 2007, applicants filed the initial petition. By decision mailed December 11, 2007, the initial petition was dismissed. The declaration submitted was improperly signed by the assignee. An acceptable declaration in compliance with 37 CFR 1.63 was required. By decision mailed April 28, 2008, the "SECOND REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)" filed March 17, 2008 was dismissed. The declaration submitted was improperly signed by Luis Aldaz on behalf of deceased inventor Aldaz. By decision mailed August 29, 2008, the "SECOND REQUEST FOR

RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)" filed March 17, 2008 was dismissed. Applicants filed a declaration for patent executed by Luis Aldaz on behalf of deceased joint inventor Luis Aldaz. However, this declaration was not in compliance with 37 CFR 1.63. It did not identify all inventors by name, residence and/or mailing address and citizenship.

Applicants still have not submitted all declarations in compliance with the rules. As previously stated, the declaration signed by the available joint inventors indicates that inventor Aldaz is unavailable which is not appropriate, and does not include the information for the legal representative. Applicants have resubmitted a copy of this declaration with the new declaration executed by the legal representative. The declaration signed by the legal representative is in compliance as it provides the information for the legal representative, as well as, the information for all of the inventors including the deceased inventor. However, the filing of a compliant declaration signed by the legal representative does not cure the deficiencies in the declaration signed by the available joint inventors. The declaration signed by the available joint inventors is not in compliance with 1.63 and 1.64 as it does not identify and provide the information for the legal representative (and all of the inventors including the deceased inventor). The declaration signed by the available joint inventors does not mention the legal representative. A compliant declaration signed by the available joint inventors is required for 47 status.

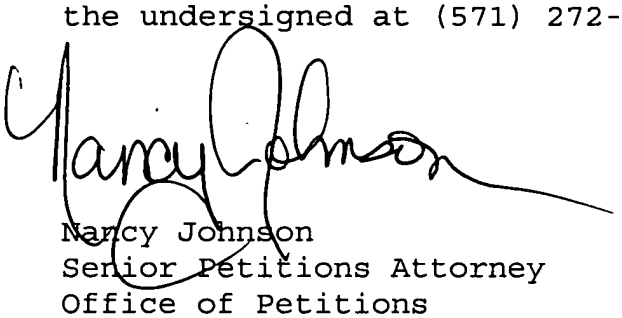
Further correspondence with respect to this decision should be addressed as follows:

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 concerning this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
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www.uspto.gov

Paper No.

WAGNER BLECHER LLP
123 Westridge Drive
Watsonville CA 95076

MAILED

MAY 26 2009

OFFICE OF PETITIONS

In re Application of :
Luis Aldaz, Kaushik Barman :
Allan Johnson and : ON REQUEST FOR RECONSIDERATION
Raghavendra Malladi :
Application No. 11/651,358 :
Filed: January 8, 2007 :
Atty Docket No. HSFT-006 :

This is in response to the "FOURTH REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)" filed April 6, 2009.

The petition is **DISMISSED**.

Applicants 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 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath(s) or declaration(s) executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 C.F.R. §1.136(a).

The above-identified application was filed on January 8, 2007, with an unexecuted declaration. In response to the Notice to File Missing Parts of Nonprovisional Application mailed February 8, 2007, applicants filed the initial petition. By decisions mailed December 11, 2007, April 28, 2008, August 29, 2008 and February 9, 2009, the petitions under 37 CFR 1.47(a) filed July 12, 2007, March 17, 2008, July 7, 2008 and October 29, 2008 were

dismissed. Petitioners repeatedly failed to submit acceptable declarations for patent in compliance with 37 CFR §§ 1.47, 1.63 and 1.64[1].

On instant renewed petition, applicants submitted a four page declaration, including 2 signature page 3 of 3s. This is not acceptable. As stated in MPEP 201.03, an oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. Applicants have not submitted the individual declarations as signed by each inventor. As such it cannot be determined whether each declaration was presented to each inventor with a complete listing of all inventors. A joinder cannot be granted until the Office has received the declarations in compliance with the rules[2].

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

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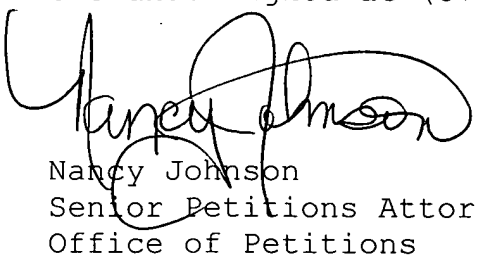
[1] The first declaration submitted was improperly signed by the assignee. The second declaration submitted was improperly signed by Luis Aldaz on behalf of deceased inventor Aldaz. The third declaration was not in compliance with 37 CFR 1.63 as it did not identify all inventors by name, residence and/or mailing address and citizenship. On last renewed petition, petitioner still did not submit all declarations in compliance with the rules.

[2] The undersigned left a message for attorney Wagner on May 14, 2009 requesting the filing of the complete declarations electronically. No response to this request has been received.

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) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Paper No.

SYNAPTICS C/O WAGNER BLECHER LLP
123 WESTRIDGE DRIVE
WATSONVILLE CA 95076

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SEP 3 0 2009

OFFICE OF PETITIONS

In re Application of :
Luis Aldaz, Kaushik Barman :
Allan Johnson and : DECISION NOTING JOINDER
Raghavendra Malladi : OF INVENTOR AND PETITION
Application No. 11/651,358 : UNDER 37 CFR 1.47(a) MOOT
Filed: January 8, 2007 :
Atty Docket No. HSFT-006 :

This is in response to the "FIFTH REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)" filed July 17, 2009.

The petition is **DISMISSED AS MOOT**.

The above-identified application was filed on January 8, 2007, with an unexecuted declaration. In response to the Notice to File Missing Parts of Nonprovisional Application mailed February 8, 2007, applicants filed the initial petition. By decisions mailed December 11, 2007, April 28, 2008, August 29, 2008, February 9, 2009, and May 26, 2009, the petitions under 37 CFR 1.47(a) filed July 12, 2007, March 17, 2008, July 7, 2008, October 29, 2008 and April 6, 2009 were dismissed. Petitioners repeatedly failed to submit acceptable declarations for patent in compliance with 37 CFR §§ 1.47, 1.63 and 1.64[1].

On last renewed petition, applicants submitted a four page declaration, including 2 signature page 3 of 3s. This is not

[1] The first declaration submitted was improperly signed by the assignee. The second declaration submitted was improperly signed by Luis Aldaz on behalf of deceased inventor Aldaz. The third declaration was not in compliance with 37 CFR 1.63 as it did not identify all inventors by name, residence and/or mailing address and citizenship.

acceptable. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. Applicants were advised that a joinder cannot be granted until the Office has received the declarations in compliance with the rules.

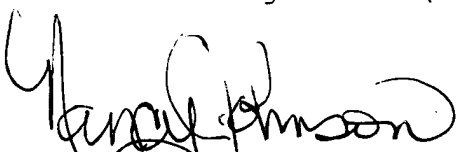
On instant renewed petition, applicants submitted three declarations executed, in combination, by legal representative Aldaz on behalf of deceased inventor Aldaz and inventors Barman, Johnson and Malladi. These declarations have been reviewed and found in compliance with 37 CFR 1.63.

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

This application will be examined in due course.

Per the declarations filed July 17, 2009, the Customer Number for the address and attorney of record have been changed to 65214.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

ROPES & GRAY, LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

In re Patent No. 7,589,555 :
Issue Date: September 15, 2009 :
Application No. 11/651,364 : DECISION ON PETITION
Filed: January 8, 2007 : UNDER 37 CFR 1.137(b)
Patentee(s): David Lewis :

This is a decision on the petition, filed August 27, 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 January 7, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

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

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

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

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

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing which sets forth the projected publication date of February 25, 2010 is enclosed with this decision.

Since this application has issued as a patent, no further action is required.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

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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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/651,364	01/08/2007	David Lewis	000174-0482-101

CONFIRMATION NO. 1361

36981
ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

NONPUBLICATION RESCISSION LETTER

Date Mailed: 11/18/2009

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 02/25/2010.

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".

/amsmith/

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

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ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

Mail Date: 04/21/2010

Applicant	: David Lewis	: DECISION ON REQUEST FOR
Patent Number	: 7589555	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/651,364	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/08/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **370** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

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JAN 06 2010

In re Application of	:	
James J. FALLON	:	
Application No. 11/651,365	:	DECISION GRANTING PETITION
Filed: January 8, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **2855.0020007**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 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 December 7, 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 2819 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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PATENT DOCKETING 39/361
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NEW YORK NY 10036-8704

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OCT 0 3 2008

OFFICE OF PETITIONS

In re Application of	:	
James J. Fallon	:	
Application No. 11/651,366	:	DECISION GRANTING PETITION
Filed: January 8, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 8011-1 CIP CON6	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 2, 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 26, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2819 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: John Kevin McCoy	: DECISION ON REQUEST FOR
Patent Number	: 7587018	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/651,368	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/08/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/651,379	01/09/2007	Paul L. DeAngelis	46052.019	2194

30589 7590 11/18/2009

DUNLAP CODDING, P.C.
PO BOX 16370
OKLAHOMA CITY, OK 73113

EXAMINER	
MEAH, MOHAMMAD Y	
ART UNIT	PAPER NUMBER
1652	
MAIL DATE	DELIVERY MODE
11/18/2009	PAPER

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20091116

DATE : November 16, 2009

TO SPE OF : ART UNIT 1652

SUBJECT : Request for Certificate of Correction on Patent No.: 7579173

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

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

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

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

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

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

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

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

Comments:

/ANDREW WANG/
Supervisory Patent Examiner.Art Unit 1656

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CISLO & THOMAS, LLP
233 WILSHIRE BLVD
SUITE 900
SANTA MONICA CA 90401-1211

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SEP 2 4 2007

OFFICE OF PETITIONS

In re Application of :
Ray Solari :
Application No. 11/651,391 : DECISION ON PETITION
Filed: January 9, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 06-17568 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 6, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a declaration 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 3765 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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CISLO & THOMAS, LLP
1333 2ND STREET
SUITE #500
SANTA MONICA, CA 90401-4110

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JUL 2 9 2008

In re Application of
Ray Solari
Application No. 11/651,391
Filed: January 9, 2007
Attorney Docket No. 06-17568

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 28, 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 M. Cislo 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 is an outstanding Office action mailed March 5, 2008 that requires a reply from the applicant.

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

April M. Wise
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
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
11/651,391	01/09/2007	Ray Solari	06-17568

CONFIRMATION NO. 1908

POWER OF ATTORNEY NOTICE

25189
Cislo & Thomas LLP
1333 2nd Street
Suite #500
Santa Monica, CA 90401-4110

OC000000031245043

Date Mailed: 07/29/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/28/2008.

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

/amwise/

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

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KRISTIN C. CASTLE
96 OAKMONT AVENUE
PIEDMONT, CA 94610

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MAY 19 2009

OFFICE OF PETITIONS

In re Application of	:	
W. Gary WESTERMOFF	:	
Application No. 11/651,421	:	DECISION ON PETITION
Filed: January 9, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1002-1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 21, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-3600.

The application is being forwarded to Technology Center Art Unit 3623 for action on the merits commensurate with this decision.

Diane Goodwyn
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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Alexandria, Virginia 22313-1450
www.uspto.gov

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

Mail Date: 04/21/2010

Applicant	: Wen-Chung Tai	: DECISION ON REQUEST FOR
Patent Number	: 7599809	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/651,510	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2007	: 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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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

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OCT 13 2009

OFFICE OF PETITIONS

In re Application of
Lee, et al.
Application No. 11/651,524
Filed: January 10, 2007
Attorney Docket No. 069576-0182
For: CHIP COATED LIGHT EMITTING DIODE PACKAGE AND MANUFACTURING METHOD THEREOF

ON PETITION

This is a decision on the petition, filed September 15, 2009, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the July 7, 2008 non-final Office action. No response being received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on October 8, 2008. A Notice of Abandonment was mailed on March 18, 2009.

Applicants have submitted an amendment in reply to the July 7, 2008 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the July 7, 2008 non-final Office action, and the $1,620.00 petition fee.

All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply in order to avoid abandonment. Accordingly, since the $1,110.00 extension of time submitted with the petition on September 15, 2009 was filed subsequent to the expiration of the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioners' deposit account.

After the mailing of this decision, the application will be returned to Technology Center AU 2895 for consideration of the amendment filed on September 15, 2009.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

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FEB 18 2010

In re Application of :
Seon Goo Lee, et *al.* :
Application No. 11/651,524 : DECISION ON PETITION
Filed: January 10, 2007 : UNDER 37 CFR 1.313(c)(1)
Attorney Docket No. **069576-0182** :

This is a decision on the petition under 37 CFR 1.313(c), filed February 17, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

It appears the person signing the petition has been given a limited recognition power of attorney; however, the petition to withdraw from Issue must be signed by a registered attorney authorized to act in a representative capacity as required in 37 CFR 1.33(b) and 37 CFR 1.34.

37 CFR 1.33 (b) states that:

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

(1) An attorney or agent 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);

* * * * *

37 CFR 1.34 states:

"When a patent practitioner acting in a representative capacity appears in person or signs a paper in practice before the United States Patent and Trademark Office in a patent case, his or her personal appearance or signature shall constitute a representation to the United States Patent and Trademark Office that under the provisions of this subchapter and the law, he or she is authorized to represent the particular party on whose behalf he or she acts. In filing such a paper, the patent practitioner must set forth

his or her registration number, his or her name and signature. Further proof of authority to act in a representative capacity may be required."

For the reason stated above, the petition under 37 CFR 1.313(c) cannot be granted.

Petitioner is reminded that the filing of any renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. *Note* 37 CFR 1.313(d). It is recommended that the facsimile number listed below be used to file the renewed petition.

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

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

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

By fax: **(571) 273-0025**
Office of Petitions

Any questions concerning this matter may be directed to Monica A. Graves at (571) 272-7253.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

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FEB 22 2010

In re Application of	:	
Seon Goo LEE, et al.	:	
Application No. 11/651,524	:	DECISION GRANTING PETITION
Filed: January 10, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 069576-0182	:	

This is a decision on the renewed petition under 37 CFR 1.313(c)(2), filed February 22, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 19, 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 2895 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the information disclosure statement previously filed February 17, 2010.

/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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/651,543	01/10/2007	Hyun-Mog Park	SEC.1905	1934

20987 7590 07/29/2008
VOLENTINE & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE SUITE 1260
RESTON, VA 20190

EXAMINER	
RODELA, EDUARDO A	
ART UNIT	**PAPER NUMBER**
2893	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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VOLENTINE & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE SUITE 1260
RESTON VA 20190

In re Application of
Hyun-Mog PARK, et al.
Application No.: 11/651,543
Filed: 01/10/2007
Attorney Docket No.: SEC.1905

For: NAND-TYPE NONVOLATILE MEMORY DEVICE AND RELATED METHOD OF MANUFACTURE

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed 17 July 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. 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 KIPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of the Notification of Reasons for Refusal or
      iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH pilot program and petition meets the requirements 1-4, and 7 above. This request to participate in the PPH pilot program and petition fails to meet the requirements of 5, above.

Discussion

The USPTO received a form PTO/SB/20KR "Request For Participation In The Patent Prosecution Highway (PPH) Pilot Program", that indicates that a copy of all of the KIPO office actions which are relevant to patentability (excluding "Decision to Grant a Patent") was attached. It is noted, however, that the office received only a copy of the Notice of Allowance for Korean Application No. 10-2006-0097315, and an English translation thereof. It is unclear as to how the Notice of Allowance is relevant to patentability, as it is considered to be equivalent to a "Decision to Grant a Patent." Consequently, it can not be determined as to whether or not this petition has met the requirements of 5, above. It appears that the KIPO application is a first action allowance, and no office action from the KIPO is necessary.

Because it can not be determined as to whether or not this petition has met the requirements of 5, above, it can not be determined as to whether or not this petition has met the requirements of 6, above. It is noted that the USPTO has received a proper IDS listing the documents cited by the KIPO examiner in the Notice of Allowance for Korean Application No. 10-2006-0097315 by KIPO. If the KIPO application is a first action allowance, then no additional IDS is required.

A proper response to this dismissal will include:

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 KIPO application(s) containing the allowable/patentable claim(s) or
   ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of the Notification of Reasons for Refusal or
   iii. *if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form*;
b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above;
c. A statement that the English translation is accurate.
d. Any references cited in office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claim(s) should be properly cited on and IDS and copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application) must be submitted with the IDS.

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

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652 unless this is a request from the pilot program in which case a fax submission is also acceptable. Fax may be sent 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://www.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
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/651,543	01/10/2007	Hyun-Mog Park	SEC.1905	1934

20987 7590 09/09/2008
VOLENTINE & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE SUITE 1260
RESTON, VA 20190

EXAMINER	
RODELA, EDUARDO A	
ART UNIT	PAPER NUMBER
2893	

MAIL DATE	DELIVERY MODE
09/09/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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VOLENTINE & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE SUITE 1260
RESTON VA 20190

In re Application of
Hyun-Mog PARK, et al.
Application No.: 11/651,543
Filed: 01/10/2007
Attorney Docket No.: SEC.1905

For: NAND-TYPE NONVOLATILE MEMORY DEVICE AND RELATED METHOD OF MANUFACTURE

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed 17 July 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. 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 KIPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of the Notification of Reasons for Refusal or
        iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

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.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

6/17/09

In re Application of:
GERLACH, KARIN et al
Serial No.: 11/651,544
Filed: Jan. 10, 2007
Docket: 037141.58410US
Title: METHOD FOR PRODUCING A CERAMIC FILTER ELEMENT

DECISION ON PETITION TO WITHDRAW FINALITY OF THE FINAL OFFICE ACTION

This is a decision on the petition filed on June 8, 2009 to withdraw the finality of the Office action of January 8, 2009.

The petition is **DISMISSED as untimely**.

The examiner issued a non-final Office action on June 30, 2008 rejecting all claims in the application. In response to the office action, on October 29, 2008 the applicant filed an amendment and arguments traversing the rejection. In particular, the applicant amended the independent claim 1 by adding all limitations of canceled dependent claim 3 with the original independent claim 1. On January 8, 2009, the examiner issued a final Office action. In the final rejection, the examiner held the amended claim 1 directed to a new invention which is independent or distinct from the original independent claim 1. On May 21, 2009, an interview was conducted between the examiner and the applicant's attorney. On June 8, 2009, the current petition to withdraw the finality of the final Office action of January 8, 2009 was filed.

The petitioner's request to withdraw the finality of the Office action mailed on January 8, 2009 was based on the fact that the examiner would not fully consider the amendment filed on October 29, 2008. The examiner believes that the newly amended claim 1 is directed to a new invention which is distinct or independent from the original claim 1. Petitioner does not agree for the reasons as set forth in the petition.

Applicable Rules or Statutes

37 CFR 1.181(f):
The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

Review of the record shows that the instant petition was filed five months after the mailing date of the final Office action of January 8, 2009. Pursuant to 37 CFR 1.181(f), the petition is not timely filed since the petition was not filed within two months of the action complained of. As the petition was not timely filed, the relief requested will not be granted. Petitioner is entitled to request reconsideration of this decision provided that the request for reconsideration is filed within two months of the date of this decision.

In order to expedite the examination and avoid abandonment, a two-month extension of time fee has been charged as authorized in the last paragraph of page 4 of the petition. The petition has been treated as a response to the final office action mailed on January 8, 2009. The examiner is directed to fully consider and respond each and every argument raised by petitioner and fully consider the amendment filed on October 29, 2009. A new Office action should be mailed to reflect the consideration of petitioner's arguments.

The application is being forwarded to the Primary Examiner Thiem Phan via the Supervisory Patent Examiner of Art Unit 3729 for consideration of the response and preparation of a new Office action. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED

Donald T. Hajec, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

8/13/09

In re Application of:
GERLACH, KARIN et al.
Serial No. 11/651,544
Filed: Jan. 10, 2007
Docket: 037141.58410US
Title: METHOD FOR PRODUCING A CERAMIC FILTER ELEMENT

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the renewed petition filed July 6, 2009 under 37 CFR 1.181 requesting supervisory review of the examiner's refusal to enter the Rule 1.111 amendment filed on October 29, 2008. In the petition, petitioner requests entry of the amendment. The petition is being considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

The examiner was requested to enter the amendment responding to the non-final Office action of June 30, 2008 because the examiner's refusal to enter the amendment filed under the Rule 1.111 was improper. In finding petitioner's points of argument persuasive, the requested relief is granted. The examiner is directed to enter the amendment filed on October 29, 2008 and fully consider and respond each and every argument raised in the amendment. A new Office action must be mailed to reflect the consideration of the amendment of October 29, 2008.

The application is being forwarded to the Primary Examiner Thiem Phan via the Supervisory Patent Examiner of Art Unit 3729 for consideration of the amendment of October 29, 2008 and preparation of a new office action. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED

Donald T. Hajec, Director
Technology Center 3700

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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DUANE MORRIS LLP
1667 K STREET, N.W.
SUITE 700
WASHINGTON DC 20006-1608

COPY MAILED

APR 30 2007

OFFICE OF PETITIONS

In re Application of :
Hessel, et al. :
Application No. 11/651,566 : DECISION DISMISSING
Filed: January 10, 2007 : PETITION
Attorney Docket No.:HAR65 664 CONT :

This is a decision on the ""Petition in response to Notice of Omitted Item in a Nonprovisional Application", filed March 12, 2007 which is being treated as petition under 37 CFR 1.182.

The petition is **dismissed.**

The above-identified application was filed on January 10, 2007. However, on February 9, 2007, the Office of Initial Patent Examination mailed a Notice of Omitted Items of Nonprovisional Application, stating that application had been accorded a filing date of January 10, 2007, and advising applicant Figures 5 as described in the specification appeared to be omitted. As to the alleged omitted figure, the notice set forth an extendable period of reply of two months from its mailing date.

In response, on March 12, 2007, applicant filed the present petition and remitted a $400.00 petition fee. Applicant explains that Figures 5 was not omitted on January 10, 2007, but that a typographical error occurred in the description of the drawings. The petition is accompanied a preliminary amendment correcting the error.

It is obvious from the petition that no drawings were actually missing on January 17, 2007. However, the Notice of Omitted Items of Nonprovisional Application was correct in stating that Figure 5 as described in the specification appeared to have been omitted. Therefore, the Notice of Omitted Items of Nonprovisional Application was properly issued and will not be withdrawn.

The $400.00 petition fee will not be refunded because the present petition was not necessitated by any error on the part of the United States Patent and Trademark Office.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 10, 2007, using the drawings filed on that date. Thereafter, the application file will be forwarded to Technology Center 2600, GAU 2611 for consideration of the preliminary amendment filed January March 12, 2007.

Telephone inquiries concerning this matter 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

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

Mail Date: 05/20/2010

Applicant	: Jin-hyung Lee	: DECISION ON REQUEST FOR
Patent Number	: 7630219	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/651,588	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **333** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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ROBERT W COX
33B CHAPEL HILL ROAD CHAPEL HILL
BRISBANE 4069 AU AUSTRALIA

MAILED

OCT 23 2009

OFFICE OF PETITIONS

In re Application of :
Robert W. Cox :
Application No. 11/651,635 : ON PETITION
Filed: March 5, 2007 :
Title: Golf Swing Training :
Apparatus

This is a decision on the paper titled "Petition in respoect to examiner's decision to issue notice of abandonment", filed July 27, 2009, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

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

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed November 26, 2008. This Office action set a shortened statutory period for reply of three (3) months. Applicants filed an Amendment on February 3, 2009. However, by Advisory Action mailed March 3, 2009, the Examiner advised Applicants that the response would not be entered because it failed to place the application in condition for allowance. No further reply with an extension of time having been received, the application became abandoned on February 27, 2009. A courtesy Notice of Abandonment was mailed on June 17, 2009.

Petitioner argues that he misinterpreted the Advisory Action due to an incorrect box being checked. In addition, petitioner argues that his February 3, 2009 Office action was in fact a proper reply.

37 CFR 1.135(b), the regulation relevant to the abandonment of this application, provides that (A) the admission of, or refusal to admit, any amendment after final rejection, or any related proceedings, will not operate to save the application from abandonment; and (B) the admission of, or refusal to admit, any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment. **It is the applicant's responsibility to take the necessary action in an application under a final Office action to provide a complete reply under 37 CFR 1.113.** 37 CFR 1.116 and 1.135(b) are manifest that proceedings concerning an amendment after final rejection will not operate to avoid abandonment of the application in the absence of a timely and proper appeal.

Applicant should have ensured that the Amendment had been entered **or** applicant should have filed either a Request for Continued Examination (RCE), continuing application, or Notice of Appeal. The last day an RCE, continuing application, or Notice of Appeal could have been filed, with the maximum allowed three month extension of time, would have been May 26, 2009.

Petitioner may seek to revive the application under 37 CFR 1.137(b) - unintentional delay. A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the reply required to the outstanding Office action or notice (i.e. a RCE, continuing application, or Notice of Appeal), unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(m) (currently $810 for a small entity); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: PTO/SB/64 (3 pages)

Doc Code: PET.OP
Document Description: Petition for Review by the Office of Petitions

PTO/SB/64 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

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 any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional

1. Petition Fee

☐ Small entity-fee $_____(37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.

☐ Other than small entity-fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

☐ has been filed previously on _____.

☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $_____.

☐ has been paid previously on _____.

☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $_____for a small entity or $_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ Signature

_____ Date

_____ Type 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 the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about 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 inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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33B CHAPEL HILL ROAD CHAPEL HILL
BRISBANE 4069 AU AUSTRALIA

COPY MAILED
FEB 18 2010

In re Application of :
Robert W. Cox :
Application No. 11/651,635 : ON PETITION
Filed: March 5, 2007 :
Title: Golf Swing Training :
Apparatus

This is a decision on the petition to revive under 37 CFR 1.137(b), filed December 8, 2009.

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)."

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed November 26, 2008. This Office action set a shortened statutory period for reply of three (3) months. Applicants filed an Amendment on February 3, 2009. However, by Advisory Action mailed March 3, 2009, the Examiner advised Applicants that the response would not be entered because it failed to place the application in condition for allowance. No further reply with an extension of time having been received, the application became abandoned on February 27, 2009. A courtesy Notice of Abandonment was mailed on June 17, 2009. Applicant filed a petition to withdraw the holding of abandonment on July 27, 2009. However, the petition was dismissed in a decision mailed on October 23, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the reply required to the outstanding Office action or notice (i.e. a RCE, continuing application, or Notice of Appeal), unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(m) (currently $810 for a small entity); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

The instant petition does not meet requirement (1) above. The Examiner has determined that the Amendment submitted with the petition does not *prima facie* place the application in condition for allowance.

Accordingly, on renewed petition, petitioner must submit an RCE, a Notice of Appeal, or a continuing application.

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 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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33B CHAPEL HILL ROAD CHAPEL HILL
BRISBANE 4069 AU AUSTRALIA

MAILED

APR 14 2010

OFFICE OF PETITIONS

In re Application of :
Robert W. Cox :
Application No. 11/651,635 : ON PETITION
Filed: March 5, 2007 :
Title: Golf Swing Training :
Apparatus

This is a decision on the renewed petition to revive under 37 CFR 1.137(b), filed March 25, 2010.

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

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed November 26, 2008. This Office action set a shortened statutory period for reply of three (3) months. Applicants filed an Amendment on February 3, 2009. However, by Advisory Action mailed March 3, 2009, the Examiner advised Applicants that the response would not be entered because it failed to place the application in condition for allowance. No further reply with an extension of time having been received, the application became abandoned on February 27, 2009. A courtesy Notice of Abandonment was mailed on June 17, 2009. Applicant filed a petition to withdraw the holding of abandonment on July 27, 2009. However, the petition was dismissed in a decision mailed on October 23, 2009. Applicant then filed a petition to revive under 37 CFR 1.137(b) on December 8, 2009, which was dismissed in a decision mailed on February 18, 2010.

With the instant renewed petition, petitioner filed an RCE. The other requirements for a grantable petition were previously satisfied.

The application is being forwarded to Group Art Unit 3711 for consideration of the RCE, filed March 25, 2010.

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

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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ROBERT ROWLETT
34762 DOHENY PLACE
DANA POINT, CA 92624

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JUL 31 2007

OFFICE OF PETITIONS

In re Application of
Takashi Yoshida, et al.
Application No. 11/651,691
Filed: January 9, 2007
Attorney Docket No. SR01-2007

DECISION ON PETITION

This is a decision on the petition filed March 21, 2007, requesting that the above-identified application be accorded a filing date of January 9, 2007.

The application was deposited on January 9, 2007. However, on February 13, 2007, Initial Patent Examination Division mailed a Notice stating that a filing date had not been accorded to the application papers since the application was deposited without drawings.

In response, on March 21, 2007, the present petition and requisite petition fee were filed. Petitioner argues that four (4) sheets of drawings were included with the application papers deposited on January 9, 2007. As evidence thereof, petitioner submits a copy of the postcard receipt which acknowledges receipt of 4 pages drawings on January 9, 2007. Petitioner requests that the application, including the four (4) sheets of drawings, be accorded a filing date of January 9, 2007. A copy of the four (4) sheets of drawings accompanied the petition.

A review of the application file failed to uncover any sheets of drawings among the application papers deposited January 9, 2007. However, the evidence is convincing that the application papers deposited on January 9, 2007 included four (4) sheets of drawings which were subsequently misplaced in the USPTO. Therefore, the application was complete on filing and entitled to a filing date of January 9, 2007.

In view of the above, the petition is granted. The four (4) sheets of drawings submitted with the petition will be used for examination purposes.

Since the petition was a result of PTO error, the $400 petition fee is being refunded in the form of a treasury check in due course.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of January 9, 2007, using the application papers filed January 9, 2007 and the four (4) sheets of drawings filed March 21, 2007, and an indication on the bibliographic data sheet that (4) sheets of drawings were included on filing.

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

Sherry D. Blinkley
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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ROBERT L. RISPOLI
PRECISION COMBUSTION INC.
410 SACKETT POINT ROAD
NORTH HAVEN, CT 06473

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MAY 2 1 2008

OFFICE OF PETITIONS

In re Application of :
PFEFFERLE, William C. :
Application No. 11/651,709 : DECISION ON PETITION
Filed: January 10, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **MOI 286** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 24, 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 William C. Pfefferle 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 3748 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
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

WOODARD, EMHARTDT, MORIARTY, & MCNETT & HENRY LLP
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

COPY MAILED

NOV 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert F. Mater, Jr.	:	
Application No. 11/651,717	:	DECISION ON PETITION
Filed: January 10, 2007	:	TO WITHDRAW
Attorney Docket No. 008362-000213	:	FROM RECORD
	:	

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 1, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Elizabeth A. Shuster 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 Robert F. Mater, Jr. at the address indicated below.

There is an outstanding Office action mailed September 1, 2009 that requires a reply from the applicant.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Robert F. Mater, Jr.**
1865 Greenleaf Boulevard
Elkhart, IN 46514

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
11/651,717	01/10/2007	Robert F. Mater JR.	008362-000213

CONFIRMATION NO. 2422

POWER OF ATTORNEY NOTICE

30565
WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, IN 46204-5137

OC000000038918951

Date Mailed: 11/23/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/01/2009.

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

/tsjohnson/

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

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Brinks Hofer Gilson & Lione/Seiko Instruments Inc.
P.O. Box 10395
Chicago, IL 60611

Mail Date: 04/21/2010

Applicant	: Takao Nakashimo	: DECISION ON REQUEST FOR
Patent Number	: 7589502	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/651,736	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2007	: 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.

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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DUANE MORRIS LLP
PO BOX 5203
PRINCETON, NJ 08543-5203

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FEB 26 2008

In re Application of :
Anthony D. KURTZ :
Application No. 11/651,737 : DECISION ON PETITION
Filed: January 10, 2007 : TO WITHDRAW
Attorney Docket No. KULITE-104-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 10, 2008.

The request is **NOT APPROVED**.

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

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

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: THE PLEVY LAW FIRM
10 RUTGERS PLACE
TRENTON, NJ 08618

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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DUANE MORRIS LLP
P.O. BOX 5203
PRINCETON, NJ 08543-5203

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MAR 2 7 2008

OFFICE OF PETITIONS

In re Application of :
Anthony D. KURTZ :
Application No. 11/651,737 : DECISION ON PETITION
Filed: January 10, 2007 : TO WITHDRAW
Attorney Docket No. KULITE-104-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 February 29, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because the attorneys of record were 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: THE PLEVY FIRM
10 RUTGERS PLACE
TRENTON, NJ 08618

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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HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

MAILED

APR 02 2010

OFFICE OF PETITIONS

In re Application of :
Joseph Salowey et al :
Application No. 11/651,742 : ON PETITION
Filed: January 9, 2007 :
Attorney Docket No. 50325-1353

This is a decision on the petition, filed March 25, 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 March 17, 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 2435 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

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HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

MAILED

APR 02 2010

OFFICE OF PETITIONS

In re Application of :
Joseph Salowey et al :
Application No. 11/651,742 : ON PETITION
Filed: January 9, 2007 :
Attorney Docket No. 50325-1353

This is a decision on the petition, filed March 25, 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 March 17, 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 2435 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

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

Mail Date: 04/21/2010

Applicant	: Benny Kevin Nelson	: DECISION ON REQUEST FOR
Patent Number	: 7625419	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/651,751	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **246** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Mail Date: 05/18/2010

Applicant : Benny Kevin Nelson
Patent Number : 7625419
Issue Date : 12/01/2009
Application No: 11/651,751
Filed : 01/10/2007

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **316** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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AUG 0 1 2008

Applicant: Carr
Appl. No.: 11/651,752
Filing Date: January 10, 2007
Title: EPSP SYNTHASE DOMAINS CONFERRING GLYPHOSATE RESISTANCE
Attorney Docket No.: 045600/322330
Pub. No.: 2007/0169219 A1
Pub. Date: July 19, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on August 31, 2007, for the above-identified application.

The request is granted.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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LAW OFFICES OF BARRY N. YOUNG
200 PAGE MILL ROAD
SUITE 102
PALO ALTO CA 94306

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SEP 0 8 2008

OFFICE OF PETITIONS

In re Application of :

REYNOLDS, Zachary M. :
Application No. 11/651,781 : DECISION ON PETITION
Filed: January 11, 2007 : TO WITHDRAW
Attorney Docket No. **R001-1100** : FROM RECORD

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 19, 2008.

The request is **APPROVED**.

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

The request was signed by Barry Young, the sole attorney of record. Barry Young 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 Zachary Reynolds 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: **ZACHARY M. REYNOLDS**
360 GOSSAGE AVENUE
PETALUMA CA 94952

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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HOWARD IP LAW GROUP
P.O. BOX 226
FORT WASHINGTON, PA 19034

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FEB 26 2008

In re Application of	:	
Anthony D. KURTZ, et al	:	
Application No. 11/651,796	:	DECISION ON PETITION
Filed: January 10, 2007	:	TO WITHDRAW
Attorney Docket No. KULITE-107-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 10, 2008.

The request is **NOT APPROVED**.

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

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

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: THE PLEVY LAW FIRM
10 RUTGERS PLACE
TRENTON, NJ 08618

UNITED STATES PATENT AND TRADEMARK OFFICE

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HOWARD IP LAW GROUP
P.O. BOX 226
FORT WASHINGTON, PA 19034

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MAR 26 2008

OFFICE OF PETITIONS

In re Application of	:	
Anthony D. KURTZ, et al	:	
Application No. 11/651,796	:	DECISION ON PETITION
Filed: January 10, 2007	:	TO WITHDRAW
Attorney Docket No. KULITE-107-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 February 29, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Howard IP Law Group, has been revoked by the assignee of the patent application on March 12, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: THE PLEVY FIRM
10 RUTGERS PLACE
TRENTON, NJ 08618

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P.O. BOX 1450
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Paper No.

TAROLLI, SUNDHEIM,
COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET
SUITE 1700
CLEVELAND OH 44114

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SEP 24 2007

OFFICE OF PETITIONS

In re Application of :
Stephen Hayes :
Application No. 11/651,861 : ON PETITION
Deposited: January 10, 2007 :
Attorney Docket No. MC1-8483 :

This is a decision on the "PETITION TO CORRECT FILING DATE AND REQUEST FOR CORRECTED FILING RECEIPT UNDER 37 CFR §1.57(a)" filed March 7, 2007, requesting correction of the filing date of the above-identified application to January 10, 2007 under 37 CFR §1.57(a), based on the inadvertently omitted drawings being present in the prior-filed foreign application to which this application claimed benefit under 37 CFR §1.55 on filing.

For the reasons stated herein, the petition is **DISMISSED**.

Petitioner is given **TWO (2) MONTHS** from the mailing date of this decision to correct the below-noted deficiencies, including supplying an amendment in compliance with §§ 1.57 and 1.121 or otherwise, properly respond. This period is not extendable. See 37 CFR 1.181(f). The reconsideration request should include a cover letter entitled "RENEWED PETITION UNDER 37 CFR 1.57(a)."

Application papers in the above-identified application were deposited on January 10, 2007 (with an unexecuted declaration). However, on February 16, 2007, the Office mailed a "NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" stating that the application had not been accorded a filing date because the application was deposited without drawings.

In response, the present petition was timely filed. (In addition, applicant submitted an executed declaration and the surcharge for its late filing). On petition, petitioner both supplies a copy of the front and back of their return postcard itemizing submission of 2 sheets of drawings (with the Office-stamp on the address side of the postcard) and asserts that the Drawings were inadvertently omitted.

Preliminarily, it is noted that petitioner's statement that the drawings were inadvertently omitted is in direct contradiction to a conclusion that the postcard constitutes prima facie (or even persuasive) evidence that 2 sheets of drawings were among the papers filed on January 10, 2007. Moreover, the petition is drafted as one under 37 CFR 1.57(a) and not as one under 37 CFR 1.53(e)(2) requesting review of the Notice. Accordingly, the petition is being treated pursuant to 37 CFR 1.57(a) without regard to the postcard evidence.

Consideration now turns to the merits of the 1.57 petition. 37 CFR § 1.57 provides that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> > (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:

> (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
>
> (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and
>
> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
>
> ...
>
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

The instant application was filed after September 21, 2004, and thus, the provisions of 37 CFR 1.57(a) are applicable. Petitioner asserts that the application as filed on January 10, 2007 included a claim for priority to Great Britain application 0600478.2 filed on January 11, 2005 and that the Drawings were inadvertently omitted. A review of the application confirms that on filing it included a claim under § 1.55 to the foreign application. The petition includes payment of the petition fee.

However, the petition cannot be granted because the following requirements have not been met:

- Petitioner does not submit an amendment submitting the omitted material and requesting that the necessary omitted material contained in the prior application and submitted in the amendment, be included in the continuation or divisional application pursuant to 37 CFR 1.57(a) as required.
- Moreover, petitioner has not supplied a copy of the prior application. Petitioner has only supplied 2 drawing sheets. The prior application was not filed under 35 U.S.C. 111. Accordingly, petitioner must supply a copy of the prior-filed application.
- Additionally, if the application is in a language other than English applicant must supply an English language translation.

- Finally, the drawings presented on petition under 1.57(a) must be completely contained in the prior application, and the amendment submitting the drawings must make clear that they are the drawings completely contained in the prior application.

In view thereof, the petition must be dismissed.

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

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

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

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

Registered users of EFS-Web may alternatively submit their response to this decision via EFS-Web.

Telephone inquiries related to this decision may be directed to Nancy Johnson, Senior Petitions Attorney at (571) 272-3219.

Charles Pearson
Director
Office of Petitions

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

Paper No.

TAROLLI, SUNDHEIM,
COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET
SUITE 1700
CLEVELAND OH 44114

COPY MAILED

JAN 2 8 2008

OFFICE OF PETITIONS

In re Application of :
Stephen Hayes :
Application No. 11/651,861 : ON PETITION
Deposited: January 10, 2007 :
Attorney Docket No. MC1-8483 :

This is a decision on the "RENEWED PETITION UNDER 37 CFR §1.57(a)" filed October 24, 2007, requesting correction of the filing date of the above-identified application to January 10, 2007 under 37 CFR §1.57(a), based on the inadvertently omitted drawings being present in the prior-filed foreign application to which this application claimed benefit under 37 CFR §1.55 on filing.

Application papers in the above-identified application were deposited on January 10, 2007 (with an unexecuted declaration). In response to the "NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" mailed February 16, 2007, on March 7, 2007, applicants filed the initial "PETITION TO CORRECT FILING DATE AND REQUEST FOR CORRECTED FILING RECEIPT UNDER 37 CFR §1.57(a)." By decision mailed September 24, 2007, the petition was dismissed because of non-compliance with the requirements of 37 CFR 1.57(a) [1], as follows:

[1] 37 CFR 1.57 (a) provides that: Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

- Petitioner did not submit an amendment submitting the omitted material and requesting that the necessary omitted material contained in the prior application and submitted in the amendment, be included in the continuation or divisional application.
- As the prior filed application was not filed under 35 U.S.C. 111, petitioner needed to supply a copy of the prior application (and not just the omitted drawing sheets).
- If the prior application was in a language other than English, applicant was required to supply an English language translation.
- Petitioner did not make clear that the drawings presented on petition under 1.57(a) were completely contained in the prior application.

On instant request for reconsideration, applicants have submitted the required amendment, a copy of the priority application as filed and published (in English) and made clear the drawings presented on petition under 1.57(a) were completely contained in the prior application.

Applicants have now met all requirements of 37 CFR 1.57(a). Thus, pursuant to 1.57, the application as filed is considered to have incorporated by reference the prior-filed application as to the inadvertently omitted drawings.

In view thereof, the petition is **GRANTED**.

Applicants' request for refund of the petition fee is denied. The petition fee required for consideration of the petition under 37 CFR 1.57(a) is required and is not subject to refund. As acknowledged by applicants, the filing of a petition under 37 CFR 1.57(a) is necessary to correct applicant's error in inadvertently omitted a portion of the application and as such is not subject to refund.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for **according of a filing date of January 10, 2007**, with a claim for priority under 37 CFR 1.55 to GB0600478.2 filed January 11, 2006, including the copy of the drawings from the prior application supplied on October 24, 2007. Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision may be directed to Nancy Johnson, Senior Petitions Attorney at (571) 272-3219.

Charles Pearson
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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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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MAY 03 2007

OFFICE OF PETITIONS

In re Application of	:	
STEVEN GROSSBARD	:	
Application No. 11/651,866	:	DECISION ON PETITION
Filed: January 10, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **06-17546**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 09, 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 Steven Grossbard's, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

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

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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PATENT DOCKET ADMINISTRATOR
LOWENSTEIN SANDLER PC
65 LIVINGSTON AVENUE
ROSELAND, NJ 07068

Mail Date: 04/21/2010

Applicant	: Steven Neiman	: DECISION ON REQUEST FOR
Patent Number	: 7590983	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/651,874	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **260** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

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MAY 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Takahiro Yamaji	:	
Application No. 11/651,877	:	DECISION GRANTING PETITION
Filed: January 10, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. YAMAJI - 2	:	

This is a decision on the petition under 37 CFR 1.313(c)(2) filed May 13, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 26, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries 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
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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James P. Broder
Roeder & Broder LLP
9915 Mira Mesa Blvd. Suite 300
San Diego, CA 92131

Mail Date: 04/27/2010

Applicant	: Noah R. Heller	: DECISION ON REQUEST FOR
Patent Number	: 7665534	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/651,900	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **171** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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XILINX, INC
ATTN: LEGAL DEPARTMENT
2100 LOGIC DR
SAN JOSE, CA 95124

Mail Date: 05/11/2010

Applicant	: Tuyet Ngoc Simmons	: DECISION ON REQUEST FOR
Patent Number	: 7653504	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/651,904	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **180** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

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JUL 2 8 2008

In re Application of :
ZEMBOWER, David E. et al. :
Application No. 11/651,927 : DECISION ON PETITION
Filed: January 10, 2007 : TO WITHDRAW
Attorney Docket No. **ABX-003.03** : FROM RECORD
:

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 10, 2008.

The request is **APPROVED**.

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

The request was signed by Dana Gordon on behalf of all attorneys of record who are associated with customer No. 30542. All attorneys/agents associated with the Customer Number 30542 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **AGNION BIOMEDICA CORPORTION**
31 HEYHOE WOODS ROAD
PALISADES, NY 10964

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ALICE A. JOHNSON
A.J. COMPUTER PRODUCTS
8710 BELFORD AVE.
UNIT B 106
LOS ANGELES CA 90045

Mailed

JAN 3 0 2007

Group 2700
2600

In re Application of:
Alice Johnson
Serial No.: 11/651,933
Filed: January 8, 2007

Title: **FINGERPRINT COMPILER PROGRAM OF EXPLANATION**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on January 8, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **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.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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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	:	
Jun Kuriyama, et al.	:	
Application No. 11/651,953	:	DECISION ON PETITION
Filed: January 9, 2007	:	TO WITHDRAW
Attorney Docket No. 11651953	:	FROM RECORD
	:	

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 7, 2008.

The request is **APPROVED**.

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

The request was signed by James E. Austin on behalf of Haruo Yawata. Haruo Yawata has been withdrawn as using his limited recognition in this application. All attorneys or agents remain of record.

The correspondence address of record remains unchanged.

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

Terri Williams
Petitions Examiner
Office of Petitions

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

Mail Date: 04/21/2010

Applicant	: Sanjiv Sam Gambhir	: DECISION ON REQUEST FOR
Patent Number	: 7601517	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/651,956	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Phillip Y. Goldman	: DECISION ON REQUEST FOR
Patent Number	: 7620691	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/651,974	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

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SEP 18 2008

In re Application of :
Seiji Kuwahara et al :
Application No. 11/652,018 : ON PETITION
Filed: January 11, 2007 :
Attorney Docket No. Q98357

This is a decision on the petition, filed September 16, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 28, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 3661 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

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ABBOTT CARDIOVASCULAR SYSTEMS INC./
FINNEGAN HENDERSON L.L.P.
901 NEW YORK AVENUE , N.W.
WASHINGTON DC 20001

4/9/09

In re Application of:
JALISI, MARC MEHRZAD
Serial No.: 11/652,053
Filed: Jan. 11, 2007
Docket: 01035.0039-01
Title: AVOIDING STRESS-INDUCED MARTENSITIC TRANSFORMATION IN NICKLE TITANIUM ALLOYS USED IN MEDICAL DEVICES

DECISION ON PETITION

This is a decision on the Petition for Suspension of Action received on February 3, 2009, seeking to suspend action on the above-identified application for a period of not greater than six months. This petition is being considered pursuant to 37 CFR § 1.103.

The petition is dismissed.

On February 3, 2009, the applicant filed the current petition to suspend office action to provide additional time to engage a new counsel for filing supplemental paper. In the petition, petitioner alleges that the applicant is engaging a new counsel and is in the process of transferring of the patent application files and preparation of supplemental paper.

The reason for a six-month suspension of action is not convincing and could not justify a six-month delay in prosecution. The Office must balance the burden of timely examinations and needs of the public to know which claims it faces with the needs of applicants in pursuing claims which reflect the scope to which they are entitled. Applicant has failed to outline where he presently stands in the engagement of a new patent counsel and preparation of supplemental paper. Petitioner fails to establish why, in particular, a six-month suspension of action will advance the engagement of a new patent counsel and preparation of paper. Petitioner also fails to explain what the supplemental paper is. Accordingly, petitioner has failed to establish good and sufficient reasons to delay the prosecution. The application remains in active status and being returned to the examiner for immediate examination of the application and issuance of an Office action.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit for preparation of an Office action. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED.

for

Donald T. Hajec, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/21/2010

Applicant	: Kuo-Rong Chen	: DECISION ON REQUEST FOR
Patent Number	: 7587275	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/652,057	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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Alexandria, VA 22313-1450
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MCGUIREWOODS, LLP
1750 TYSONS BLVD
SUITE 1800
MCLEAN VA 22102

COPY MAILED

MAR 02 2009

OFFICE OF PETITIONS

In re Application of :
James D. Peters :
Application No. 11/652,096 : DECISION ON PETITION
Filed: January 11, 2007 : TO WITHDRAW
Attorney Docket No. 2035177-5005US : FROM RECORD
:

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 13, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.
The request was signed by Charles J. Gross on behalf of all attorneys of record who are associated with customer No. 22345. All attorneys/agents associated with the Customer Number 22345 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed December 13, 2008 that requires a reply from the applicant.

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

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

cc: ELIFECARE ENTERPRISES, INC.
7405 STONEY KIRK CLOSE
ATLANTA, GA 30350

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
11/652,096	01/11/2007	James D. Peters	2035177-5005US

CONFIRMATION NO. 2984

POWER OF ATTORNEY NOTICE

23345
MCGUIREWOODS, LLP
1750 TYSONS BLVD
SUITE 1800
MCLEAN, VA 22102

Date Mailed: 02/25/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/13/2009.

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

/amwise/

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

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FROM DIRECTOR'S OFFICE

MAY 07 2007

TECHNOLOGY CENTER 3600

WELSH & FLAXMAN LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA, VA 22314

In re application of : **DECISION ON PETITION**
Douglas Diemer : **TO MAKE SPECIAL FOR**
Application No. 11/652,135 : **NEW APPLICATION**
Filed: January 11, 2007 : **UNDER 37 CFR 1.102**
For: WASTE MANAGEMENT FACILITIES FOR THE PRODUCTION OF HYDROGEN GAS AND REDUCTION OF GREENHOUSE GASES :

This is a decision on the petition filed on April 12, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The petition to make special under accelerated examination under 37 C.F.R. § 1.102(d) is not acceptable because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on April 12, 2007 the petition must be considered under the new guidelines and thus is properly **DENIED**.

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

Any inquiry regarding this decision should be directed to Kenneth J. Dorner, Quality Assurance Specialist, at (571) 272-6587.

Kenneth J. Dorner
Quality Assurance Specialist
Technology Center 3600

KJD/dew: 05/02/07

O.I.P.E. IAP69 MAY 22 2007 PATENT & TRADEMARK OFFICE

FFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Doug Diemer

Group Art Unit: 3673

Serial No.: 11/652,135

Examiner:

Filed : 01/11/2007

Title : WASTE MANAGEMENT FACILITIES FOR THE PRODUCTION OF HYDROGEN GAS AND REDUCTION OF GREENHOUSE GASES

REQUEST FOR RECONSIDERATION OF DECISION ON PETITION

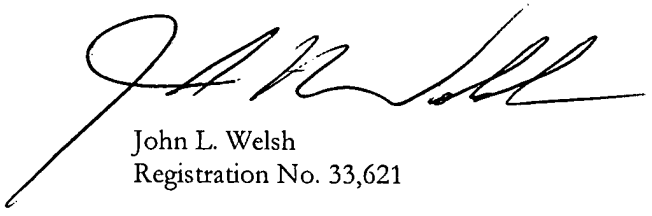
Mail Stop Non-Fee Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Decision on Petition issued May 7, 2007 in the above referenced application, Applicant respectfully requests reconsideration thereof.

In particular, although the non-provisional of the above referenced application was filed January 11, 2007, which is after the effective date regarding the change to practice for petitions to make special, the present application is based upon provisional applications respectively filed January 11, 2006 and January 24, 2006. These applications precede the August 25, 2006 deadline and Applicant therefore respectfully requests reconsideration of the Petition to Make Special and that the application be given the benefit of its provisional filing date.

Respectfully submitted,



John L. Welsh
Registration No. 33,621

Welsh & Flaxman LLC
2000 Duke Street, Suite 100
Alexandria, VA 22314
(703) 920-1122
Our Docket No. DIEM-003

OIPE IAP48
NOV 08 2007
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Doug Diemer

Group Art Unit: 3673

Serial No.: 11/652,135

Examiner: Lagman

Filed : 01/11/2007

Title : WASTE MANAGEMENT FACILITIES FOR THE PRODUCTION OF HYDROGEN GAS AND REDUCTION OF GREENHOUSE GASES

REQUEST FOR ENTRY OF
REQUEST FOR RECONSIDERATION OF DECISION ON PETITION

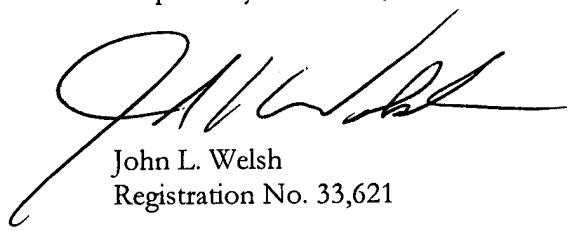
Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

On May 22, 2007, a Request for Reconsideration of the Decision dated May 7, 2007 was filed. To date this Request has not been acted upon. Applicant's representative has reviewed the File Wrapper available via the PAIR System and it appears that the Request for Reconsideration filed May 22, 2007 was incorrectly docketed in as a Petition Decision (printout of File Wrapper enclosed).

Therefore, Applicant requests that the Request for Reconsideration of Decision on Petition filed May 22, 2007 (copy attached), be entered and acted upon.

Respectfully submitted,



John L. Welsh
Registration No. 33,621

Welsh & Flaxman LLC
2000 Duke Street, Suite 100
Alexandria, VA 22314
(703) 920-1122
Our Docket No. DIEM-003

OIPE IAP42 NOV 08 2007 PATENT & TRADEMARK OFFICE

11/952,135	Waste management facilities for the production of hydrogen gas and reduction of greenhouse gases	11-08-2007::10:12:20

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.

Available Documents

	Document Description	Page Count
07-12-2007	**Notice of Publication**	**1**
07-12-2007	Notice of Publication	1
05-22-2007	Petition Decision	1
05-07-2007	Petition Decision	2
04-12-2007	Petition for review by the Technology Center SPRE.	4
03-07-2007	Filing Receipt	3
02-20-2007	Applicant Response to Pre-Exam Formalities Notice	3
02-20-2007	Oath or Declaration filed	5
02-09-2007	Filing Receipt	3
02-09-2007	Pre-Exam Formalities Notice	2
01-11-2007	Transmittal of New Application	1
01-11-2007	Specification	40
01-11-2007	Claims	5
01-11-2007	Abstract	1
01-11-2007	Drawings-only black and white line drawings	3
01-11-2007	Oath or Declaration filed	6
01-11-2007	Fee Worksheet (PTO-06)	1

Close Window

OIPE IAP42
NOV 08 2007
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Doug Diemer
Serial No.	:	11/652,135
Filing Date	:	01/11/2007
Title	:	WASTE MANGAGEMENT FACILITIES FOR THE PRODUCTION OF HYDROGEN GAS AND REDUCTION OF GREENHOUSE GASES
Title of Paper	:	Request for Reconsideration of Decision on Petition
By	:	JLW/lck
Docket No.	:	DIEM-003
Fee	:	$0.00

COPY

OIPE IAP59
MAY 22 2007
PATENT & TRADEMARK OFFICE

OIPE IAP92
NOV 08 2007
PATENT & TRADEMARK OFFICE

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Doug Diemer

Group Art Unit: 3673

Serial No.: 11/652,135

Examiner:

Filed : 01/11/2007

Title : WASTE MANAGEMENT FACILITIES FOR THE PRODUCTION OF HYDROGEN GAS AND REDUCTION OF GREENHOUSE GASES

REQUEST FOR RECONSIDERATION OF DECISION ON PETITION

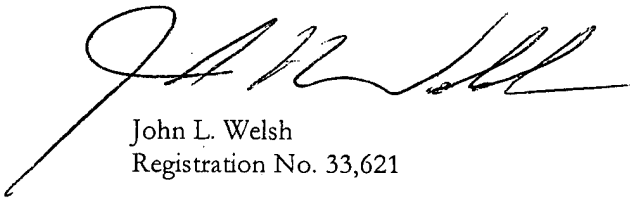
Mail Stop Non-Fee Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Decision on Petition issued May 7, 2007 in the above referenced application, Applicant respectfully requests reconsideration thereof.

In particular, although the non-provisional of the above referenced application was filed January 11, 2007, which is after the effective date regarding the change to practice for petitions to make special, the present application is based upon provisional applications respectively filed January 11, 2006 and January 24, 2006. These applications precede the August 25, 2006 deadline and Applicant therefore respectfully requests reconsideration of the Petition to Make Special and that the application be given the benefit of its provisional filing date.

Respectfully submitted,



John L. Welsh
Registration No. 33,621

Welsh & Flaxman LLC
2000 Duke Street, Suite 100
Alexandria, VA 22314
(703) 920-1122
Our Docket No. DIEM-003

UNITED STATES PATENT AND TRADEMARK OFFICE

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AVERILL & GREEN
8244 PAINTER AVE
WHITTIER, CA 90602

MAILED

MAY 03 2010

OFFICE OF PETITIONS

In re Application of :
Dan Marius Andreiu :
Application No. 11/652,160 : DECISION ON PETITION
Filed: January 10, 2007 : TO WITHDRAW
Attorney Docket No. 137/131 : FROM RECORD
:

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 23, 2010.

The request is **APPROVED**.

The request was signed by K.L. Green on behalf of the practitioners of record associated with Customer Number 27612.

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

All future correspondence will be directed to inventor Dan Marius Andreiu at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Dan Marius Andreiu
811 North Catalina Ave
Redondo Beach, CA 90277

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/652,160	01/10/2007	Dan Marius Andreiu	137/131

CONFIRMATION NO. 3809

POWER OF ATTORNEY NOTICE

27612
AVERILL & GREEN
8244 PAINTER AVE.
WHITTIER, CA 90602

Date Mailed: 05/03/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/23/2010.

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

/idingle/

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

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/652,160	01/10/2007	Dan Marius Andreiu	137/131

CONFIRMATION NO. 3809

Dan Marius Andreiu
811 North Catalina Ave
Redondo Beach, CA 90277

POA ACCEPTANCE LETTER

OC000000041311433

Date Mailed: 05/03/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/23/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

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

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STOEL RIVES LLP - PDX
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND OR 97204-1268

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
CALKIN, Carston R. :
Application No. 11/652,174 : DECISION ON PETITION
Filed: January 10, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **36524/15:1** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 19, 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 Carston Calkin, 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 3782 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
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

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AUG 0 6 2007

OFFICE OF PETITIONS

HARRINGTON & SMITH, PC
4 RESEARCH DRIVE
SHELTON, CT 06484-6212

In re Application of :
Garrett, et al. :
Application No. 11/652,175 : ON PETITION
Filed: January 10, 2007 :
Attorney Docket No. 871.0103.U2(US)

This is a decision on the petition under 37 CFR 1.182, filed March 29, 2007, to change the name of one of the joint inventors cited on this application in USPTO records.

The petition is **granted**.

The name of the first named inventor for the above-cited application is changed to "Tara A. Garrett."

A corrected filing receipt is enclosed.

The fee for the instant petition is $400.00. See 37 CFR 1.182. Accordingly, deposit account 50-1924 will be charged an additional $130.00.

The application file is being directed to the Office of Initial Patent Examination 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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/652,175	01/10/2007	2618	1000	871.0103.U2(US)	12	3

CONFIRMATION NO. 4032

29683
HARRINGTON & SMITH, PC
4 RESEARCH DRIVE
SHELTON, CT 06484-6212

CORRECTED FILING RECEIPT

OC000000025206932

Date Mailed: 08/06/2007

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)

Tara A. Garrett, Solana Beach, CA;
Erin Harnden, La Jolla, CA;

Power of Attorney: The patent practitioners associated with Customer Number **29683**.

Domestic Priority data as claimed by applicant

This application is a DIV of 10/036,304 12/28/2001 PAT 7,184,797

Foreign Applications

If Required, Foreign Filing License Granted: 02/07/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/652,175

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Data transfer rate display selection

Preliminary Class

455

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof

unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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P.O. Box 1450
Alexandria, VA 22313-1450
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ANTOINETTE M. TEASE
P. O. BOX 51016
BILLINGS MT 59105

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OFFICE OF PETITIONS

In re Application of	:	
Bonner et al.	:	
Application No. 11/652,180	:	DECISION ON PETITION
Filed: January 11, 2007	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 06264-PA (1152.0007)	:	

This is a decision on the petition, filed October 28, 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 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 CFR 1.137(f).

The petition is **DISMISSED.**

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

Although all the other documents submitted were, the instant petition itself was not signed. Petitioner should furnish a signed copy of the petition

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

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

By hand: Customer Window located at:

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

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

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ANTOINETTE M. TEASE
P. O. BOX 51016
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OFFICE OF PETITIONS

In re Application of :
Bonner et al. :
Application No. 11/652,180 : DECISION GRANTING PETITION
Filed: January 11, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 06264-PA (1152.0007) :

This is a decision on the renewed petition, filed November 26, 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 January 7, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

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

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

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

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

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of June 25, 2009, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 3743 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
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
11/652,180	01/11/2007	Harry E. Bonner	06264-PA (1152.0007)

CONFIRMATION NO. 4051

45766
ANTOINETTE M. TEASE
P. O. BOX 51016
BILLINGS, MT 59105

NONPUBLICATION RESCISSION LETTER

OC000000035042339

Date Mailed: 03/17/2009

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 06/25/2009.

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

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

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

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

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

/lswalsh/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of :
Harry E. Bonner, et al. :
Application No. 11/652,194 : DECISION ON PETITION
Filed: January 11, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 06263-PA (1152.0006) :

This is a decision on the petition, filed October 28, 2008 and supplemented December 24, 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 January 7, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

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

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

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

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

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of February 19, 2009 was previously mailed on November 10, 2008.

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642.

This application is being forwarded to Technology Center Art Unit 1797 to await a reply to the outstanding Office action mailed September 16, 2008.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA OK 74103-3318

In re Application of
Gilber T. Hinze
Serial No.: 11/652,199
Filed: January 11, 2007
Attorney Docket No.: 66363/07-001

: DECISION ON PETITION TO MAKE
: SPECIAL FOR NEW APPLICATION
: UNDER 37 C.F.R. § 1.102 & M.P.E.P.
: § 708.02

This is a decision on the petition filed on March 12, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not filed electronically accompanied by a petition to make the application special and lacks the required supporting documents.

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 William R. Dixon, Jr., Special Program Examiner, at (571) 272-0519.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 5000

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Gilbert Theo Hinze

Application No. 11652199

Filed: January 11,2007

Attorney Docket No. 66363/07-001

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

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 29-OCT-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

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CRAIG W. RODDY
HALLIBURTON ENERGY SERVICES
P.O. BOX 1431
DUNCAN, OK 73536-0440

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OFFICE OF PETITIONS

In re Application of
Sam **LEWIS**, et al.
Application No. 11/652,215
Filed: January 11, 2007
Attorney Docket No. **HLBT:0042/2006-IP-022148U**

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 February 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 September 2, 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]

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 the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3676 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

Cc: **TUMEY LLP**
P.O. BOX 22188
HOUSTON, TX 77227-2188

[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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Kirschstein, Ottinger, Israel &
Schiffmiller, P.C.
489 Fifth Avenue
New York, NY 10017

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OFFICE OF PETITIONS

In re Application of :
Eric Anthony Lewis :
Application No. 11/652,221 : DECISION ON PETITION
Filed: January 11, 2007 :
Attorney Docket No. C214.035.06/Serjeants :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 18, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed February 8, 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 April 9, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a signed oath or declaration, with the required $130.00 surcharge fee, (2) the petition fee of $1,540.00, and (3) a proper statement of unintentional delay.

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

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received September 26, 2007.

David Bucei
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

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

In re Application of	:	
Anderson et al.	:	DECISION ON PETITION
Application No. 11/652,224	:	TO WITHDRAW
Filed: January 10, 2007	:	FROM RECORD
Attorney Docket No. 562492007600	:	

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** because it is moot.

A review of the file record indicates that on September 24, 2009 the power of attorney to Morrison & Foerster 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: Fitch Even Tabin & Flannery
120 South Lasalle Street
Suite 1600
Chicago IL 60603-3406

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

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In re Application of	:	
Rajiv Laroia et al	:	
Application No. 11/652,245	:	DECISION ON PETITION
Filed: January 10, 2007	:	
Attorney Docket No. 060645U6	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 22, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an executed declaration and surcharge fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed February 9, 2007, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Patent Application Processing for appropriate action by the Examiner in the normal course of business on the reply received May 22, 2008.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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5775 MOREHOUSE DR.
SAN DIEGO CA 92121

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OFFICE OF PETITIONS

In re Application of :
Corson et al. :
Application No.11/652,248 : ON PETITION
Filed: January 10, 2007 :
Attorney Docket: 060645U15 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 18, 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 complete response to a Notice to File Missing Parts of Nonprovisional Application, which was mailed on February 8, 2007. The Notice to File Missing Parts set an extendable two (2) month period for reply. A four month extension of time was obtained under the provisions of 37 CFR §1.136(a). A Notice of Incomplete Reply was mailed on July 27, 2007. Accordingly, this application became abandoned on August 9, 2007. A Notice of Abandonment was mailed on November 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(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

As to item (1) a review of the drawings shows they do not meet the requirements of 37 CFR 1.121. When the Office receives replacement sheets of drawings for patent applications after the application has been filed, a cover letter identifying the drawings by application number should accompany them. The application number and other identifying indicia should be placed on each sheet of drawings in accordance with 37 CFR 1.84(c). Each drawing

sheet submitted after the filing date of the application must be identified as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). Petitioner should also make sure that the requirements of 37 CFR 1.84 (u)(1) and 1.77(b)(7) have been met.

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 $120 extension of time fee submitted with the petition on September 8, 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
Petitions Attorney
Office of Petitions

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QUALCOMM INCORPORATED
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SAN DIEGO CA 92121

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OFFICE OF PETITIONS

In re Application of :
Corson et al. :
Application No.11/652,248 : ON PETITION
Filed: January 10, 2007 :
Attorney Docket: 060645U15 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 20, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a complete response to a Notice to File Missing Parts of Nonprovisional Application, which was mailed on February 8, 2007. The Notice to File Missing Parts set an extendable two (2) month period for reply. A four month extension of time was obtained under the provisions of 37 CFR §1.136(a). A Notice of Incomplete Reply was mailed on July 27, 2007. Accordingly, this application became abandoned on August 9, 2007. A Notice of Abandonment was mailed on November 23, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay.

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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JENKINS WILSON TAYLOR & HUNT, PA
3100 TOWER BOULEVARD, SUITE 1200
DURHAM, NC 27707

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OFFICE OF PETITIONS

In re Application of :
GRAF, et al. :
Application No. 11/652,255 : DECISION ON PETITION
Filed: January 11, 2007 : TO WITHDRAW
Attorney Docket No. **1406/427** : FROM RECORD
:

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 3, 2007.

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

A review of the file record indicates that the power of attorney to **JENKINS WILSON TAYLOR & HUNT, PA** has been revoked by the assignee of the patent application on August 24, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **ESCHWEILER & ASSOCIATES LLC**
NATIONAL CITY BANK BUILDING
CLEVELAND OH 44114

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ORTIZ & LOPEZ, PLLC
P.O. BOX 4484
ALBUQUERQUE, NM 87196-4484

MAILED

APR 27 2009

OFFICE OF PETITIONS

In re Application of :
William F. BICE :
Application No. 11/652,261 : DECISION DISMISSING PETITION
Filed: January 11, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. **1000-1775** :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed March 17, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

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

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

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

37 CFR § 1.78(a)(6) requires 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. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR § 1.78(a)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

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

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 Monica A. Graves at (571) 272-7253.

Thurman K. Page
Petitions Examiner
Office of Petitions

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

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	: William N. Patterson	: DECISION ON REQUEST FOR
Patent Number	: 7665514	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/652,273	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **231** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

USPTO
JUL 06 2009
PATENT & TRADEMARK OFFICE

11/852331

Cof C

PETITION FOR CERTIFICATE OF CORRECTION OF AN ISSUED PATENT

Patent No. 7,398,871 B1

Issued: July 15, 2008

Title of Invention: Outsert Placer

Certificate
JUL 08 2009
of Correction

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1550

Dear Sir:

The above-identified patent issued with an incorrect statement of inventorship arising out of a misunderstanding between counsel and the inventors. The misunderstanding arose through error and with no deceptive intent. This petition seeks to have Kenneth G. Murphy, Jr., whose address is 6 Oregon Avenue, Mount Laurel, New Jersey 08054, added as an inventor and Thomas M. Basgil and James A. Esposito deleted as inventors.

Kenneth G. Murphy and Donald C. Simpson, attorney of record, aver that the inventorship error of failing to include Kenneth G. Murphy, Jr. as an inventor of the patent occurred without any deceptive intention on the part of Kenneth G. Murphy and Donald C. Simpson.

Thomas M. Basgil and James A. Esposito, signatories hereto, agree to the changes of inventorship, including the deletion of their names as inventors, and have no disagreement with regard to the requested change. Eric Anderson and John Cooper, III, signatories hereto, agree to the changes of inventorship, and have no disagreement with regard to the requested change.

THOMAS M. BASGIL

JAMES A. ESPOSITO

ERIC ANDERSON

JOHN COOPER, III.

07/07/2009 EEKUBAY1 00000005 7398871
01 FC:1811 100.00 OP

KENNETH G. MURPHY, JR.

The petition fee in the amount of $100.00 (37 CFR 1.20(a)) is enclosed.

Respectfully submitted,

DONALD C. SIMPSON
Reg. No. 19841
126 Borton Landing Road
Moorestown, New Jersey 08067-3055
Telephone: 856-234-9590
Facsimile: 856-235-1627
E-mail: simplaw@netaxs.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service for mailing as "First Class Mail" in an envelope addressed to Attention: Office of Petitions, Mail Stop Petitions, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, by postage prepaid, first class mail on the date set forth below.

Name of Registered Representative

Donald C. Simpson
Registration No. 19,841

DATED: JUNE 30, 2009

DONALD C. SIMPSON

USPTO JUL 06 2009 PATENT & TRADEMARK OFFICE

PTO/SB/92 (06-09)
Approved for use through 07/31/2009. OMB 0561-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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

on June 30, 2009
Date

Donald C. Simpson
Signature

DONALD C. SIMPSON, ESQUIRE
Typed or printed name of person signing Certificate

19841
Registration Number, if applicable

856-234-9590
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

This collection of information is required by 37 CFR 1.8. 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 1.8 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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STEVEN S. PAYNE
P.O. BOX 65024
WASHINGTON DC 20035

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FEB 19 2009

OFFICE OF PETITIONS

In re Application of
Henrik Sevegran
Application No.11/652,338
Filed: January 11, 2007
Attorney Docket No. 150-387

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 15, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an executed declaration/surcharge fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed February 8, 2007, is accepted as having been unintentionally delayed.

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

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

PATENT
HES

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Sam Lewis, et al.
Serial No.: unknown 11/652346
Filed: concurrently herewith 1-11-07
Art Unit: unknown 1755
Examiner: unknown

For: CEMENT COMPOSITIONS COMPRISING HUMIC ACID GRAFTED FLUID LOSS CONTROL ADDITIVES

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

ATTENTION: Group Director

DECLARATION IN SUPPORT OF PETITION TO MAKE SPECIAL BECAUSE OF APPLICANT'S AGE (37 C.F.R. §1.102(c) and M.P.E.P. § 708.02, IV)

I, the person signing below hereby declare:

1. That, I am over 65 years of age; and

2. That, all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

JChatterji

Jiten Chatterji

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700

FEB 2 0 2007

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SUSAN E. MONEY
2300 E. SILVERADO RANCH BLVD. #1015
LAS VEGAS, NV 89183

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FEB 21 2008

OFFICE OF PETITIONS

In re Application of :
Kenneth BRUNELLE, et al :
Application No. 11/652,357 : DECISION ON PETITION
Filed: January 10, 2007 : TO WITHDRAW
Attorney Docket No. PIPER-001 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 5, 2008.

The request is **NOT APPROVED**.

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

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

There are no outstanding Office actions pending at the current time.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: KENNETH BRUNELLE
850 SOUTH RANCHO DRIVE #1005
LAS VEGAS, NV 89106

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUSAN E. MONEY
2300 E. SILVERADO RANCH BLVD., #1015
LAS VEGAS NV 89183

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JUL 0 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Kenneth BRUNELLE, et al	:	
Application No. 11/652,357	:	DECISION ON PETITION
Filed: January 10, 2007	:	TO WITHDRAW
Attorney Docket No. PIPER-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 June 9, 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 Susan Money the sole attorney of record.

Susan Money has 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 correspondence address is the address indicated until otherwise properly notified by the applicant.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

Cc: KENNETH BRUNELLE
850 S. RANCHO DR., #1005
LAS VEGAS, NEVADA 89106

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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MAR 14 2008

OFFICE OF PETITIONS

In re Application of :
STEINBERG, Amiram :
Application No. 11/652,364 : DECISION ON PETITION
Filed: January 11, 2007 : TO WITHDRAW
Attorney Docket No. **40258.25** : FROM RECORD
:

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 28, 2007.

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

A review of the file record indicates that the power of attorney to **KELLY DRYE & WARREN, LLP** has been revoked by the assignee of the patent application on December 20, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **HAYNES & BOONE, LLP**
901 MAIN STREET, SUITE 3100
DALLAS, TX 75202

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.
11/652,396	01/11/2007	Philippe S. Farah	DP-314959	2860

22851 7590 06/24/2009

DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY, MI 48007

EXAMINER	
CHANG, CHING	

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
06/24/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY MI 48007

In re Application of:
FARAH, PHILIPPE S. et al
Serial No. 11/652,396
Filed: Jan. 11, 2007
Docket: DP-314959
Title: VARIABLE CAM PHASER APPARATUS

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed May 14, 2009 under 37 CFR 1.181 requesting withdrawal of the finality of the last Office action mailed February 19, 2009.

The petition is **granted.**

In finding petitioner's points of argument persuasive, the requested relief is granted. As such, the finality of the Office actions issued on February 19, 2009 is premature and the finality of the Office action is hereby withdrawn. The Office action mailed on February 19, 2009 will be designated as non-final Office action. Since the finality is being withdrawn, the amendment filed on April 20, 2009 in response to the Office action of February 19, 2009 has been treated as a 37 CFR § 1.111 amendment. The amendment of April 20, 2009 now has been entered for consideration. The examiner has been requested to issue a new Office action.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Karen M. Young, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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BRANDON N. SKLAR. ESQ. (PATENT PROSECUTION)
KAYE SCHOLER, LLP
425 PARK AVENUE
NEW YORK NY 10022-3598

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JUL 0 6 2009

OFFICE OF PETITIONS

In re Application of	:	
Wai Lam	:	
Application No. 11/652,412	:	NOTICE
Filed: January 11, 2007	:	
Attorney Docket No. 34826-1032	:	

This is a notice regarding your request filed May 15, 2009, for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584

JoAnne Burke
Petitions Examiner
Office of Petitions

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MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH, NC 27606

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MAR 0 5 2009

OFFICE OF PETITIONS

In re Application of :
Michael Lee MILLER :
Application No. 11/652,461 : DECISION ON PETITION
Filed: January 11, 2007 : TO WITHDRAW
Attorney Docket No. MLM-001 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 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 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 attorney of record was not appointed by Customer No. 24337, as indicated.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MICHAEL LEE MILLER
110 CROMWELL COURT
CARY, NC 27513

UNITED STATES PATENT AND TRADEMARK OFFICE

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MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH NC 27606

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MAR 2 4 2009

OFFICE OF PETITIONS

In re Application of	:	
Michael Lee MILLER	:	
Application No. 11/652,461	:	DECISION ON PETITION
Filed: January 11, 2007	:	TO WITHDRAW
Attorney Docket No. MLM-001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 9, 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 Jerry A. Miller 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: MICHAEL LEE MILLER
110 CROMWELL COURT
CARY, NC 27513

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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DINSMORE & SHOHL, LLP
1900 CHEMED CENTER
255 EAST FIFTH STREET
CINCINNATI, OH 45202

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JUN 18 2007

OFFICE OF PETITIONS

In re Application of :
McGillis, Theriault, and Winterford :
Application No.: 11/652,463 : DECISION ACCORDING
Filed: January 11, 2007 : RULE 47(a) STATUS
Attorney Docket No: **24082-13** :
For: **CABLE GUIDE FOR CABLE-GUIDED TANK GAUGE**

This is in response to the petition under 37 CFR 1.47(a), filed May 10, 2007 (certificate of mailing dated May 8, 2007).

The petition is **GRANTED**.

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

The above-cited application was filed on January 11, 2007, without an executed oath or declaration. Accordingly, a "Notice to File Missing parts of Nonprovisional Application" (the "Notice") was mailed on February 8, 2007, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration, among other items. A petition under 37 CFR 1.47(a) was filed on May 10, 2007, with a request for an extension of time within the first month.

Petitioner has shown that inventor Winterford has constructively refused or cannot be located to execute the declaration and join the above-identified application The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

This application will be directed to the Office of Initial Patent Examination for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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P.O. Box 1450
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SCULLY SCOTT MURPHY & PRESSER PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY NY 11530

MAILED

JUL 13 2010

OFFICE OF PETITIONS

In re Application of
Terry L. Thomas
Application No. 11/652,466
Filed: January 11, 2007
Attorney Docket No. 8383ZYXWVUTS

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

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 27, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed non-provisional applications set forth in the Amendment submitted 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 instant petition does not satisfy requirement (1) above.

There is no co-pendency between application No. 07/817,919 (filed January 8, 1992), and application No. 07/774,475 (abandoned January 7, 1992). Accordingly, the reference to the '475 application must be deleted.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matter 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 Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Any inquiries concerning this decision may be directed to Petitions Attorney Cliff Congo at (571) 272-3207.

Chris Bottorff
Supervisor
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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MORGAN, LEWIS & BOCKIUS LLP (SF)
2 PALO ALTO SQUARE
3000 El Camino Real, Suite 700
PALO ALTO, CA 94306

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SEP 17 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
DeFrees, et al. :
Application No. 11/652,467 :
Filed: January 11, 2007 :
Attorney Docket No.: 40853-01-5054-US01 :

This is a decision on the petition filed June 21, 2007. The petition is being treated under 37 CFR 1.182.

The petition is **dismissed**.

The application was filed on January 11, 2007. On March 16, 2007, the Office of Initial Patent Examination mailed a Notice of Missing Parts of Nonprovisional Application ("Notice") stating that the application had been accorded a filing date of January 11, 2007, but that Figures 63A and 63B, as described in the specification, appeared to have been omitted. The notice allowed an extendable period for reply of two-months from its mailing date.

In response, on June 21, 2007, applicant filed an amendment pursuant to 37 CFR 1.57 requesting entry of Figure 63A and 63B which are contained in a prior filed non-provisional application to which the subject application claims priority. Section 201.06(c) of the *Manual of Patent Examination Procedure*, provides, in pertinent part, that:

> 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). Such an amendment must be made within any time period set by the Office. See 37 CFR 1.57(a)(1).
>
> If an application as originally filed included a proper explicit incorporation by reference statement (or an explicit incorporation by reference statement that has been made effective under 37 CFR 1.57(g)), the omitted specification page(s) and/or drawing figure(s) may be added by amendment provided the omitted item(s) contains only subject matter in common with a document that has been properly incorporated by reference. If the Office identified the omitted item(s) in a "Notice of Omitted Item(s)," applicant need **not** respond to the "Notice of Omitted Item(s)." Applicant should, however, submit the amendment adding the omitted material prior to the first Office action to avoid delays in the prosecution of the application. See MPEP § 601.01(d) and § 601.01(g).

Effective September 21, 2004, 37 CFR 1.57 allows a priority claim to a prior-filed application to be considered an incorporation by reference statement allowing for the incorporation of the prior filed application as to inadvertently omitted portion of the specification or drawings. When using 37 CFR 1.57, applicant's are required to amend the application to include the inadvertently omitted material, and supply a copy of the prior-filed application and identify where the inadvertently omitted portion of the drawing can be found in the prior-filed application.

It is noted that 37 CFR 1.57(a)(3) indicates that if the application is not otherwise entitled to a filing date under 37 CFR 1.53(b), the amendment must be by way of the petition. This application was determined to be entitled to a filing date, however. Accordingly, a petition is not required to amend the application pursuant to 37 CFR 1.57 either.

In view of the incorporation by reference of the prior application, Figures 63A and 63B are not new matter if it was a part of the disclosure of the prior application.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 11, 2007.

Thereafter, the application will be forwarded to the appropriate group art unit for consideration by the examiner of the preliminary amendment filed June 21, 2007.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 11, 2007.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

OPAP IAP19 MAY 14 2010 PATENT & TRADEMARK OFFICE

11/652,530

cofc

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 7,668,185

Issue Date: February 23, 2010

Inventor(s): Yoshihiko HIBINO; Yuji KIYOHARA; Hiroaki SUZUKI; Kentaro USHIYAMA; Koichi IIJIMA

Title: DISTRIBUTION APPARATUS, RECEIVING APPARATUS TREE-TYPE DISTRIBUTION SYSTEM, AND INFORMATION PROCESSING METHOD ETC.

Docket No.: 130943

REQUEST FOR CERTIFICATE OF CORRECTION UNDER RULE 323

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

Certificate
MAY 19 2010
of Correction

Sir:

It is respectfully requested that a Certificate of Correction be issued in order to correct the error specified in the attached copy of Certificate of Correction Form PTO-1050.

In particular, it is requested that the Letters Patent be corrected in order to identify the second Assignee. In accordance with MPEP §1481.01:

(A) The Assignment was submitted for recordation as set forth in 37 C.F.R. § 3.11, and recorded in the U.S. Patent and Trademark Office at Reel 018793 Frame 0462, before issuance of the Letters Patent;

(B) Included are a Request for Certificate of Correction under 37 C.F.R. §1.323 along with the fee set forth in 37 C.F.R. §1.20(a); and

(C) Included is the processing fee set forth in 37 C.F.R. §1.17(i).

Our Check No. 229077 in the amount of Two Hundred Thirty Dollars ($230.00) is attached in accordance with the provisions of 37 C.F.R. §1.323, §1.20(a), and §1.17(i). In the event of any underpayment or overpayment, please debit or credit Deposit Account No. 15-0461 as needed in order to ensure prompt issuance of a Certificate of Correction.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Scott M. Schaefer
Registration No. 44,325

05/17/2010 MOHAMME 00000048 7668185
01 FC:1464 130.00 OP
02 FC:1811 100.00 OP

JAO:SMS/ssh
Date: May 14, 2010

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461

PTO/SB/44 (02-01)
Approved for use through 1/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Action of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,668,185 B2

APPLICATION NO.: 11/652,530

DATED : February 23, 2010

INVENTOR(S) : Yoshihiko HIBINO et al.

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

Please delete the following:

(73) Assignee: **Brother Kogyo Kabushiki Kaisha**
Nagoya (JP)

and replace with:

(73) Assignees: **Brother Kogyo Kabushiki Kaisha**
Nagoya (JP)

Xing Inc.
Nagoya (JP)

MAILING ADDRESS OF SENDER: **OLIFF & BERRIDGE, PLC**
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

PATENT NO. 7,668,185 B2

No. of additional copies

⇨ 0

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comment on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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LION BUILDING
1233 20TH STREET NW SUITE 501
WASHINGTON DC 20036

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JUN 23 2008

OFFICE OF PETITIONS

In re Application of :
Hironori Ibusuki :
Application No. 11/652,604 : ON PETITION
Filed: January 12, 2007 :
Attorney Docket No. SON-2920/DIV :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed March 11, 2008.

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

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance, mailed on October 25, 2007. This Notice set a statutory period for reply of three (3) months. No issue fee having been received, the application became abandoned on January 26, 2008. The Office mailed a Notice of Abandonment on February 19, 2008.

With the instant petition, petitioner paid the petition, issue, and publication fees, and made the proper statement of unintentional delay.

The application is being forwarded to the Office of Data Managment for processing into a patent.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MAR 26 2008

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC20005-3096

In re Application of	:	
Hiroaki OKA et al.	:	DECISION ON REQUEST TO
Application No. 11/652,605	:	PARTICIPATE IN PATENT
Filed: January 12, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 063979-0082	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed February 13, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

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

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

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, DC 20007

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MAY 1 2 2008

OFFICE OF PETITIONS

In re Application of :
Martin Harich et al :
Application No. 11/652,641 : ON PETITION
Filed: January 12, 2007 :
Attorney Docket No. 016906-0585

This is a decision on the petition, filed May 8, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This matter is being referred to Technology Center AU 3747 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

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JJGJR.:12-07

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OFFICE OF PETITIONS

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

In re Application of
Yu, et al.
Application No. 11/652,646
Filed: 12 January, 2007
Attorney Docket No. 005127.00658

DECISION ON PETITION

This is a decision on the petition filed on 17 July, 2007, and considered under 37 C.F.R. §1.53.

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

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

BACKGROUND

The instant application was deposited on 12 January, 2007.

On 29 June, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items—to wit: "[p]ages 11 to 20 of the specification (description and claims)"—thus, the application had been accorded a filing date without those pages.

OIPE indicated that Petitioner might:

- contend via petition that [p]ages 11 to 20 of the specification (description and claims) had been submitted on deposit and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the specification; or

- submit [p]ages 11 to 20 of the specification (description and claims) and accept the date of submission as the filing date.

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

On 17 July, 2007, Petitioner submitted the instant petition, including therewith, *inter alia*, what is averred to be a true copy of [p]ages 11 to 20 of the specification (description and claims) and an averment of deposit of that the application as deposited had been "mis-numbered as pages 1-10 and 21-29, when it should have been numbered as pages 1-19" and Petitioner submitted a date-stamped receipt card (see: MPEP §503) indicating receipt by the Office of "29 total pages," nonetheless, the clear evidence in the record of the original papers as filed and also acknowledged by Petitioner is that the there were no pages numbered 10 to 20 of the specification (description and claims) on deposit on 12 January, 2007. Petitioner failed to evidence Office receipt of [p]ages 11 to 20 of the specification (description and claims).

Moreover, Petitioner has failed to seek the Examiner's entry of an amendment encompassing the correction, inter alia, of the pagination of the application—and it is noted that determination of entry of such amendment once submitted is properly that of the Examiner and not the Office of Petitions.

ANALYSIS

A search of the official file reveals that:

- on 12 January, 2007, Petitioner deposited the instant application;

- the Office record reflects that [p]ages 11 to 20 of the specification (description and claims) were missing upon deposit.

Because Petitioner provides no receipt card adequately reflecting the contents of the application, **it is concluded as of this writing that numbered [p]ages 11 to 20 of the specification (description and claims), were not received by the Office on deposit of the application and thus are not due a 12 January, 2007, filing date**.

Petitioner, as noted, has submitted pages formerly numbered 21-29 now renumbered as 10-19,

and should seek of the Examiner entry of the amendment. The determination as to whether the pages now identified as [p]ages 11 to 20 of the specification (description and claims) accompanying Petitioner's amendment when filed will be entered is a matter left to the Examiner and will not be addressed herein.

Accordingly, [p]ages 11 to 20 of the specification (description and claims) are not entitled to a filing date of 12 January, 2007. The Examiner will determine entry or not of the amendment when submitted.

The Notice mailed on 29 June, 2007, was properly sent and will not be disturbed.

CONCLUSION

The petition is **dismissed**; the petition fee will be charged as authorized to Deposit Account 19-0733 because there is no indication as of this writing of error on the part of the Office.

This application is released to OIPE for further processing with a filing date of 12 January, 2007, without [p]ages 11 to 20 of the specification (description and claims); and further with direction to OIPE to ensure that Office records are consistent with this decision and provide to Petitioner, if necessary, an updated filing receipt also consistent with this decision.

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

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

---

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

§1.2 Business to be transacted in writing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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FALLS CHURCH VA 22040-0747

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MAR 14 2008

OFFICE OF PETITIONS

In re Application of
Hsieh Chih-Hubg
Application No. 11/652,695
Filed: January 12, 2007
Attorney Docket No.: **4444-0253PUS2**

ON PETITION

This is a decision on the petition filed December 3, 2007 to withdraw the holding of abandonment for the above-identified application which is being treated under 37 CFR 1.181.

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

The application was held abandoned on June 26, 2007, for failure to timely submit a timely response to the non-Final Office Action mailed March 23, 2007, which set a three month period for reply. Accordingly, a Notice of Abandonment was mailed October 4, 2007.

Petitioner asserts that a response was filed on July 23, 2007 and in support, petitioner has submitted, *inter alia*, a copy of the response in the form of an amendment, a one month extension of time and a post card receipt date stamped July 23, 2007 by the USPTO.

The evidence submitted corroborates a timely response to the non-Final Office Action. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee Is due and none has been charged.

This matter will be referred to Technology Center 2829 for appropriate action on the amendment filed July 23, 2007, a copy of which was submitted upon petition.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MINNEAPOLIS, MN 55440-1022

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OFFICE OF PETITIONS

In re Application of
Brian J. Doherty et al
Application No. 11/652,707
Filed: January 12, 2007
Attorney Docket No. 23758-0036002

ON PETITION

This is a decision on the petition, filed March 25, 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 February 18, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 3652 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

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HENNEMAN & ASSOCIATES, PLC
70 N. MAIN ST.
THREE RIVERS, MI 49093

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NOV 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Dennis Ray Miller, et al.	:	
Application No. 11/652,726	:	DECISION GRANTING PETITION
Filed: January 12, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0057-028	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 16, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 19, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2827 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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HENNEMAN & ASSOCIATES, PLC
70 N. MAIN ST.
THREE RIVERS, MI 49093

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OFFICE OF PETITIONS

In re Application of.
Miller et al.
Application No. 11/652,726
Filed: January 12, 2007
Attorney Docket No. 0057-028

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent 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 patent application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

Alicia Kelley
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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Sawyer Law Group LLP
P.O. Box 51418
Palo Alto, CA 94303

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MAY 12 2008

In re Application of :
Lorenzo Bedarida, et al. :
Application No. 11/652,742 : DECISION ON PETITION
Filed: January 12, 2007 : TO WITHDRAW
Attorney Docket No. 3945P : FROM RECORD
:

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 11, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Joseph A. Sawyer on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed April 2, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Lorenzo Bedarida**
Piazza Marconi 7A
Vimercate (MI), 20059
Italy

cc: **Schwegman, Lundberg & Woesnner/Atmel**
P.O. Box 2938
Minneapolis, MN 55402

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/652,742	01/12/2007	Lorenzo Bedarida	3945P

CONFIRMATION NO. 3636

29141
SAWYER LAW GROUP LLP
P O BOX 51418
PALO ALTO, CA 94303

POWER OF ATTORNEY NOTICE

OC000000029885419

Date Mailed: 05/12/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/11/2008.

- 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.

/mbeyene/

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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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Takayoshi Togino	: DECISION ON REQUEST FOR
Patent Number	: 7616389	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/652,744	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **212** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

MAILED

MAY 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Perry R. CZIMMEK et al.	:	
Application No. 11/652,754	:	DECISION ON PETITION
Filed: January 12, 2007	:	
Attorney Docket No. **2006P00688 US01**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 03, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed July 09, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on October 10, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the corrected drawings and an amendment (2) the petition fee of $1620, and (3) a proper statement of unintentional delay.

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.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results

in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to the Office of Data Management for processing into a patent.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **WILLIAM J. KLEIN**
21440 W. LAKE COOK ROAD, 7TH FLOOR
DEER PARK IL 60010

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PO BOX 51418
PALO ALTO, CA 94303

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JUL 18 2008

In re Application of :
Gabriele Pelli, et al. :
Application No. 11/652,770 : DECISION ON PETITION
Filed: January 12, 2007 : TO WITHDRAW
Attorney Docket No. 3946P : FROM RECORD
:

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 11, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Sawyer Law Group, LLP has been revoked by the assignee of the patent application on May 12, 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: SCHWEGMAN, LUNDBERG & WOESSNER/ATMEL
PO BOX 2938
MINNEAPOLIS, MN 55402

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PALO ALTO, CA 94303

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JUL 07 2008

In re Application of :
Gabriele Pelli, et al. :
Application No. 11/652,771 : DECISION ON PETITION
Filed: January 12, 2007 : TO WITHDRAW
Attorney Docket No. 3974P : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 3, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Sawyer Law Group, LLP has been revoked by the assignee of the patent application on May 12, 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: SCHWEGMAN, LUNDBERG & WOESSNER / ATMEL
PO BOX 2938
MINNEAPOLIS, MN 55402

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2055 GATEWAY PLACE
SUITE 550
SAN JOSE CA 95110-1089

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JUN 28 2007

OFFICE OF PETITIONS

In re Application of	:	
Lee et al.	:	
Application Number: 11/652782	:	ON PETITION
Filed: 11 January, 2007	:	
Attorney Docket Number: 50277-3256	:	

This is a decision on the "PETITION IN RESPONSE TO NOTICE OF INCOMPLTE NONPROVISIONAL APPLICATION" filed on 23 April, 2007 (certificate of mailing date 16 April, 2007), which is treated as a petition requesting that the application, including five (5) sheets of drawings and a petition requesting that the application, including Page 35 of the specification, be accorded a filing date of 11 January, 2007.

The petition is **GRANTED** to the extent indicated.

On 11 January, 2007, the application was filed.

On 15 February, 2007, the Office of Initial Patent Examination 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.

In response, on 23 April, 2007, petitioners filed a copy of their itemized return receipt postcard and a copy of five (5) sheets of drawings. Additionally petitioners note that Page 35 was annotated as missing on the postcard.

Petitioners argue that five (5) drawing sheets was filed with the other application papers on 11 January, 2007, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt

was supplied with the present petition. The postcard receipt shows an "Office-date" stamp dated 11 January, 2007 and containing the above-identified application number, and identifies the application by the first-named inventor's name, invention title, and attorney docket number, and acknowledges receipt of, *inter alia*, 5 sheets of drawings. Petitioners requests that the application, including the five (5) sheets of drawings, be accorded a filing date of 11 January, 2007.

A review of the record reveals that no sheets of drawings received on 11 January, 2007, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on 11 January, 2007, included five (5) sheets of drawings, which were subsequently misplaced in the Office. Therefore, the application, including five (5) sheets of drawings, is entitled to a filing date of 11 January, 2007. The petition is therefore granted to the extent that the application is accorded a filing date of 11 January, 2007, using the application papers filed on that date and the five (5) sheets of drawings supplied on 23 April, 2007.

With regard to page 35, however, the U.S. Patent and Trademark Office (Office) file is the official record of the papers originally filed in this application. A review of the papers originally filed reveals that 36 pages of specification (one cover sheet plus 35 Pages 1-34 and 36 of the description and claims and page 37 containing the abstract), were filed on 11 January, 2006. No Page 35 was filed on 11 January, 2007, since no such page of the specification is present among the application papers received on that date.

As stated previously, it is noted that the USPTO has a long-established and well publicized practice for *prima facie* establishing the date of receipt of correspondence that has either been mailed or otherwise delivered to the PTO, and is asserted to have been subsequently misplaced: the itemized postcard receipt practice of MPEP 503.[1] This practice requires that any paper(s) for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper(s). A postcard receipt which itemizes and properly identifies the paper(s) which is being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. In this case, petitioners postcard

[1] The public was afforded a "reminder" of the then extent post card receipt practice at 857 *Off. Gaz. Pat. Off.* 667 (*O.G.*) (Nov. 21, 1968). This specific notice is usually repeated annually, in a January "Consolidated Listing" section of the *O.G.* that contains important *O.G.* notices of continuing relevance.

has been annotated to indicate that Page 35 was not received, which corroborates the official record.[2] As such, the showing of record is that Page 35 was not filed with the application papers on 11 January, 2007.

The copy of the specification, including claims, and abstract filed on 23 April, 2007, will not be used for processing or examination, but will be retained in the application file.

Petitioners may wish to consider filing Page 35 as a preliminary amendment. If a preliminary amendment is filed, it will be reviewed by the examiner for new matter.

In view of the above, the petition is granted to the extent indicated. The petition fee will be refunded.

The application will be processed with the copy of the five (5) sheets of drawings supplied on 23 April, 2007, as a part of the original disclosure. The copies of the other application papers filed with the petition will not be used for processing or examination, but will be retained in the application file.

The application is being referred to the Office of Initial Patent Examination for further processing with a filing date of 11 January, 2007, using the application papers filed on that date, and the copy of five (5) sheets of drawings filed with the present petition, and for an indication in Office records that five (5) sheets of drawings were present on filing.

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

[2] The postcard also states that Page 37 was missing, however, a review of the record reveals that Page 37 was in fact present on filing and contains the abstract.

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HICKMAN PALERMO TRUONG & BECKER/ORACLE
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110-1083

Mail Date: 04/21/2010

Applicant	: J. William Lee	: DECISION ON REQUEST FOR
Patent Number	: 7631018	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/652,782	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **292** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OCT 31 2007

OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

In re Application of
Arnon Rosenthal, et al.
Application No. 11/652,821
Filed: January 12, 2007
Attorney Docket No. 514712001501

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed June 6, 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 August 20, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: PFIZER INC
PAM SALKELD
150 EAST 42ND STREET
5TH FLOOR - STOP 49
NEW YORK, NY 10017-5612

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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

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OCT 31 2007

OFFICE OF PETITIONS

In re Application of :
Arnon Rosenthal, et al. :
Application No. 11/652,821 : DECISION ON PETITION
Filed: January 12, 2007 : TO WITHDRAW
Attorney Docket No. 514712001501 : FROM RECORD
:

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 16, 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 August 20, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: PFIZER INC
PAM SALKELD
150 EAST 42ND STREET
5TH FLOOR - STOP 49
NEW YORK, NY 10017-5612

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PALO ALTO, CA 94303

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FEB 21 2008

OFFICE OF PETITIONS

In re Application of :
Lorenzo BEDARIDA, et al :
Application No. 11/652,828 : DECISION ON PETITION
Filed: January 12, 2007 : TO WITHDRAW
Attorney Docket No. 3944 FROM RECORD
:

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 11, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the attorneys of record were not appointed by customer number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no outstanding Office actions pending at the present time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

Cc: SCHWEGMAN, LUNDBERG
& WOESSNER/ATMEL
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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LLNL/FENWICK
JOHN H. LEE, ASSISTANT LABORATORY COUNSEL
LAWRENCE LIVERMORE NATIONAL LABORATORY
L-703, P.O. BOX 808
LIVERMORE CA 94551

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JUL 30 2008

OFFICE OF PETITIONS

In re Application of :
McBride et al. :
Application No. 11/652,841 : DECISION ON PETITION
Filed: January 12, 2007 :
Attorney Docket No. IL-11578 (26303-12324US) :

This is a decision on the petition filed June 2, 2008, requesting that the application be accorded a filing date of January 12, 2007, with Figures 1-2 as part of the original disclosure.

On January 12, 2007, applicants filed the above-identified application. On April 2, 2008, the Office mailed a Notice to File Corrected Application Papers, stating, inter alia, that the application had been accorded a filing date of January 12, 2007, and advising applicants that Figures 1-2 appeared to have been omitted.

On June 2, 2008, applicants submitted, inter alia, the present petition, copies of Figures 1-2, and a petition fee. Additionally, applicants submitted a copy of their return, date-stamped postcard receipt acknowledging receipt of 5 sheets of drawings in the USPTO on January 12, 2007.

Upon review of the record, Figures 1-2, deposited on January 12, 2007, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on January 12, 2007, included Figures 1-2, which were subsequently misplaced in the USPTO. See MPEP 503. Therefore, the application, including Figures 1-2, was complete on filing and will be granted a filing date of January 12, 2007.

Accordingly, the petition is **granted**.

The requirement for omitted Figures was sent in error and is hereby withdrawn. Accordingly, no petition fee is necessary. Applicants may file a request for a refund of the $400.00 petition fee by fax to 571-273-6500 or by mail to the following address:

Mail Stop 16
Director of the US Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

This application is being referred to the Office of Patent Application Processing **to accord the above-identified application a filing date of January 12, 2007,** using the copies of Figures 1-2 submitted with the petition on June 2, 2008, as part of the original disclosure.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND, OH 44114

Mail Date: 04/27/2010

Applicant	: Ulf Mordau	: DECISION ON REQUEST FOR
Patent Number	: 7573576	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/652,854	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **135** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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VOLLRATH & ASSOCIATES
588 SUTTER STREET, SUITE 531
SAN FRANCISCO, CA 94102

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JAN 11 2010

In re Application of	:	
Saurabh DESAI, et *al.*	:	
Application No. 11/652,860	:	DECISION ON PETITION
Filed: January 12, 2007	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. **P06772**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 28, 2009 and re-submitted December 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 July 7, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed April 7, 2009. Accordingly, the date of abandonment of this application is July 8, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510, (2) the petition fee of $1620; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to the Office of Data Management for processing into a patent.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

Mail Date: 04/21/2010

Applicant	: Larson Lindholm	: DECISION ON REQUEST FOR
Patent Number	: 7648915	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/652,863	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **302** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

Mail Date: 05/18/2010

Applicant : Larson Lindholm
Patent Number : 7648915
Issue Date : 01/19/2010
Application No: 11/652,863
Filed : 01/12/2007

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **411** 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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JUL 2 8 2008

OFFICE OF PETITIONS

KATTEN MUCHIN ROSENHMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585

In re Application of
Akio Ohba
Application No. 11/652,901
Filed: January 12, 2007
Attorney Docket No. SCEI 16.077B

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 25, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 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 2624 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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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KATTEN MUCHIN ROSENDMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585

MAILED

JUL 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Akio Ohba	:	
Application No. 11/652,901	:	DECISION GRANTING PETITION
Filed: January 12, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SCEI 16.077B	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 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 April 9, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2624 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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FROM DIRECTORS OFFICE

FEB 0 9 2007

TECHNOLOGY CENTER 3600

PEDERSEN & COMPANY, PLLC
P.O. BOX 2666
BOISE, ID 83701

In re application of
Kevin V. Keeler
Application No. 11/652,909
Filed: January 11, 2007
For: UPRIGHT STAND

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**
:

This is a decision on the petition filed on January 11, 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.

The petition to make special under accelerated examination under 37 C.F.R. § 1.102(d) is not acceptable because it was not filed electronically with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on January 11, 2007 the petition must be considered under the new guidelines and thus is properly **DENIED**.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Kenneth J. Dorner, Quality Assurance Specialist, at (571) 272-6587.

Kenneth J. Dorner
Quality Assurance Specialist
Technology Center 3600

KJD/dew: 02/01/07

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Paper No.

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MAY 04 2009

OFFICE OF PETITIONS

AT & T Legal Department - FKM
AT & T LEGAL DEPARTMENT,
ATTN: PATENT DOCKETING ROOM 2A-207
BEDMINSTER NJ 07921

In re Application of	:	
Murali Aravamudan et al.	:	
Application No. 11/652,920	:	DECISION ON PETITION
Filed: January 12, 2007	:	PURSUANT TO
Attorney Docket No.: 112130	:	37 C.F.R. § 1.137(B)
CON-2	:	
Title: COLLABORATIVE	:	
BROWSING OF THE INTERNET	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed September 29, 2008, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed December 26, 2007, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees.[1] Accordingly, the above-identified application became abandoned on March 28, 2008. A Notice of Abandonment was mailed on April 23, 2008.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

1 See MPEP § 710.02(e)(III).

(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the proper statement of unintentional delay. Both the petition and issue fees will be charged to Petitioner's Deposit Account, as authorized in the Issue Fee Transmittal form that was submitted concurrently with this petition. A terminal disclaimer is not required. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[2]

Pursuant to this decision, the Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Office of Patent Publication in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Office of Patent Publication where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[3] All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

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2 See Rule 1.137(d).
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.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

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.[4] 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 the delay was intentional, Petitioner must notify the Office.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: William Ryan
1577-D New Garden Road
Suite 300
Greensboro, NC 27410

4 See 37 C.F.R. § 10.18(b); cf. 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).

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NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

Mail Date: 04/20/2010

Applicant	: Goro Ishida	: DECISION ON REQUEST FOR
Patent Number	: 7631208	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/652,922	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **506** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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
11/652,930	01/11/2007	2625	1200	49986-0592	24	3

CONFIRMATION NO. 4400

CORRECTED FILING RECEIPT

OC000000022924738

29989
HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

Date Mailed: 03/15/2007

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)

Soiba Mohammad, Winnetka, CA;

Assignment For Published Patent Application

Ricoh Company Ltd.

Power of Attorney: The patent practitioners associated with Customer Number **29989**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 02/13/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/652,930

Projected Publication Date: 07/17/2008

Non-Publication Request: No

Early Publication Request: No

Title

Distributing printed documents

Preliminary Class

358

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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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/652,945	01/11/2007	3692	1675	578942000102	62	3

CONFIRMATION NO. 5225

25226
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

CORRECTED FILING RECEIPT

OC000000023211048

Date Mailed: 04/02/2007

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)

N. Caleb Avery, Incline Village, NV;

Power of Attorney: The patent practitioners associated with Customer Number **25226**.

Domestic Priority data as claimed by applicant

This application is a CON of 11/073,300 03/04/2005
which claims benefit of 60/550,963 03/05/2004

Foreign Applications

If Required, Foreign Filing License Granted: 02/15/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/652,945

Projected Publication Date: 05/24/2007

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method and system for optimal pricing and allocation with limits on units offered

Preliminary Class

705

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof

unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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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FEB 19 2008

OFFICE OF PETITIONS

THE DIRECTV GROUP, INC.
PATENT DOCKET ADMINISTRATION
CA / LA1 / A109
P O BOX 956
EL SEGUNDO CA 90245-0956

In re Application of
Chang, et al.
Application No. 11/652,946
Filed: 12 January, 2007
Attorney Docket No. PD-201005B

DECISION ON PETITION

This is a decision on the petition filed on 5 March, 2007, and considered under 37 C.F.R. §1.53.

The Office regrets the delay in addressing the matter—the petition was presented to the attorneys in the Office of Petitions only at this writing.

For the reasons set forth below, the petition under 37 C.F.R. §1.53 is **GRANTED**.

BACKGROUND

The instant application was deposited on 12 January, 2007.

On 12 February, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items (to wit: "Figure(s) 2B – 2E described in the specification," and thus, the application had been accorded a filing date without those drawings/figures.

OIPE indicated that Petitioner might:

- contend via petition that Figure(s) 2B – 2E described in the specification had been submitted on deposit and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the drawing; or

- submit Figure(s) 2B – 2E described in the specification and accept the date of that submission as the filing date; or

- accept the application as filed.

OIPE set a two- (2-) month period for reply.

On 5 March, 2007, Petitioner submitted the instant petition, including therewith, *inter alia*, what is averred to be a true copy of one (1) sheet of drawings averred to contain Figure(s) 2B – 2E described in the specification, along with a copy of Petitioner's date-stamped ("011207") receipt card.

ANALYSIS

A search of the official file reveals that:

- on 12 January, 2007, Petitioner deposited the instant application;

- the Office record reflects that Figure(s) 2B – 2E described in the specification were missing upon deposit.

- the date-stamped receipt card evidences—in pertinent part–the following:

***

9 Sheets of Drawings (Emphasis supplied)

***

Before the submission of the instant petition the record reflected eight (8) sheets of formal drawings containing Figures 1 – 2A, and 3 – 13. Petitioner has submitted herewith a single page of drawings averred to contain a true copy of Figures 2B – 2E.

Because Petitioner's receipt card adequately itemized the contents of the application as to the pages deposited, it is concluded that the application, including Figure(s) 2B – 2E described in the specification, was deposited with the Office on 12 January 2007, and Figure(s) 2B – 2E

described in the specification subsequently were misplaced in the Office.

Accordingly, the application, including Figure(s) 2B – 2E described in the specification, is entitled to a filing date of 12 January, 2007.

The Notice mailed on 12 February, 2007, was sent in error and is hereby **vacated** to the extent that it stated that the application was filed omitting Figure(s) 2B – 2E described in the specification.

CONCLUSION

The petition is **granted**; the petition fee waived and is refunded to Deposit Account 50-0383 —should Petitioner later find that refund not completed, Petitioner should send a refund request to Office of Finance with a copy of this decision.

This application is released to OIPE for further processing with a filing date of 12 January, 2007, for the entire application including Figure(s) 2B – 2E described in the specification, with pages 1 – 25 of the specification (description, claims, abstract), and 9 sheets of drawings (Figs. 1 - 13) described in the specification, using:

- **pages 1 – 25 of the specification (description, claims, abstract) and 8 sheets of drawings (Figures 1 –2A, 3-13) deposited on 12 January, 2007; and**

- **one sheets of drawings Figure(s) 2A – 2E described in the specification deposited on 5 March, 2007; and further**

with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 12 January, 2007, and reflecting therein that 25 pages of specification (description, claims, abstract) and 9 sheets of drawings were present on filing.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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MASUVALLEY & PARTNERS
8765 AERO DRIVE
SUITE 312
SAN DIEGO CA 92123

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JUN 11 2007

OFFICE OF PETITIONS

In re Application of :
Junichi Koike, et al. :
Application No. 11/652,951 : DECISION ON PETITION
Filed: January 12, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 13024-300 US : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 9, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant Hideaki Kawakami. 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 2811 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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RG & ASSOCIATES
1103 TWIN CREEKS
STE. 120
ALLEN TX 75013

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JAN 12 2009

In re Application of :
NIRANJAN et al. :
Application No. 11/653,010 : DECISION ON PETITION
Filed: January 12, 2007 : TO WITHDRAW
Attorney Docket No. **2006-05-029-WTO** : FROM RECORD
:

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 05, 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 Raffi Gostanian on behalf of all attorneys of record who are associated with customer No. 67208. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **NIRANJAN**
1520 RICHARDSON DRIVE
APARTMENT # 828
RICHARDSON, TEXAS 75080

cc: **SAMSUNG ELECTRONICS CO., LTD.**
416, MAETAN-DONG, PALDAL-GU
SUWON-CITY, KYUNGKI-DO
REPUBLIC OF KOREA

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Katten Muchin Rosenman LLP
East Lobby
Suite 700
1025 Thomas Jefferson Street N.W.
Washington, DC 20007-5201

Mail Date: 04/21/2010

Applicant	: Brien R. Lang	: DECISION ON REQUEST FOR
Patent Number	: 7594813	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/653,025	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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CHOATE, HALL & STEWART LLP/WYETH LLC
PATENT GROUP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

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JAN 13 2010

In re Application of :
Sharon Rosenzweig-Lipson :
Application No. 11/653,027 : DECISION ON PETITION
Filed: January 12, 2007 : TO WITHDRAW
Attorney Docket No. **AM102045** : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed November 20, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 24280 has been revoked by the applicants of the patent application on November 24, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: WYETH LLC
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON NJ 07940

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RG & Associates
1103 Twin Creeks
Suite 120
Allen, TX 75013

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MAR 1 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Mohan Reddy Duggi, et al.	:	
Application No. 11/653,035	:	DECISION ON PETITION
Filed: January 12, 2007	:	TO WITHDRAW
Attorney Docket No. 2006-05-002-WTO	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 5, 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 Raffi Gostanian on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Mohan Reddy Duggi**
4626 N. Jupiter Road
Apt. #616
Garland, TX 75044

cc: **Samsung Electronic Co., Ltd.**
416, Maetan-Dong, Paldal-GU
Suwon-City, Kyungki-Do
Korea

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/653,035	01/12/2007	Mohan Reddy Duggi	2006-05-002-WTO

CONFIRMATION NO. 5000

67208
RG & ASSOCIATES
1103 TWIN CREEKS
STE. 120
ALLEN, TX 75013

POWER OF ATTORNEY NOTICE

OC000000034979954

Date Mailed: 03/12/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/05/2008.

- 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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RG & ASSOCIATES
1103 TWIN CREEKS
SUITE. 120
ALLEN, TX 75013

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JAN 30 2009

OFFICE OF PETITIONS

In re Application of
Mohan Reddy Duggi, et al.
Application No. 11/653,036
Filed: January 12, 2007
Attorney Docket No. 2006-05-001-WTO

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 November 5, 2008.

The request is **APPROVED**.

A review of the file record indicates that RG & Associates: (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, RG & Associates have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) the intervening assignee of the entire interest. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

Applicant is reminded that there is no attorney of record at this time.

There are no pending Office actions at the present time.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: MOHAN REDDY DUGGI
4626 N. JUPITER ROAD
APARTMENT # 616
GARLAND, TX 75044

cc: SAMSUNG ELECTROICS CO., LTD.
416 MAETAN-DOUG, PALDAAL-GU
SUWON-CITY KYUNGKI-DO
REPUBLIC OF KOREA

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 04/20/2010

Applicant	: Vijaya B. Rentala	: DECISION ON REQUEST FOR
Patent Number	: 7586357	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/653,037	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **252** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

Mail Date: 04/21/2010

Applicant	: Jan Puzicha	: DECISION ON REQUEST FOR
Patent Number	: 7657522	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/653,059	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **392** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

Calhoun et al.	
Serial No.: 11/653,064	: PETITION DECISION
Filed: January 12, 2007	
Attorney Docket No.: **MA9606DIV**	

This is in response to the petition under 37 CFR § 1.59(b), filed January 10, 2009, to correct the Official record to correctly categorize and reflect the document filed by applicants on September 6, 2008 to be a "Response" to the outstanding Office action of July 10, 2008.

The reasons set forth in this petition establishes to the satisfaction of the Director that the record be corrected. The file entries for those documents have been changed to reflect a "Response" of September 6, 2008.

Therefore, petitioner's petition is GRANTED.

This application will be forwarded to the examiner for an action not inconsistent with this decision.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/653,064	01/12/2007	Christopher J. Calhoun	MA9606DIV	4297

33197 7590 06/02/2009

STOUT, UXA, BUYAN & MULLINS LLP.
4 VENTURE, SUITE 300
IRVINE, CA 92618

EXAMINER	
SOROUSH, ALI	

ART UNIT	PAPER NUMBER
1616	

MAIL DATE	DELIVERY MODE
06/02/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JUN 02 2009

STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

In re Application of:
Calhoun et al.
Serial No.: 11/653,064
Filed: January 12, 2007
Attorney Docket No.: **MA9606DIV**

: PETITION DECISION

This is in response to the Petition under 37 CFR § 1.181, filed May 16, 2009, requesting that the finality of the Office action of March 17, 2009 be vacated on the grounds that it was in error.

BACKGROUND

The examiner mailed a non-final Office action on March 17, 2008, setting a three month statutory limit for reply. At the time of this non-final Office action, claims 1, 4-10 and 12-18 were pending in the application. Claims 2, 3 and were cancelled. Claims 1 and 4-6 were rejected under 35 USC 102(b) as anticipated by Arm et al. Claims 1, 4-6 and 17 were rejected under 35 USC 102(b) as anticipated by Lahtinen et al. The examiner also rejected claims 14-16 under 35 USC 103(a) as unpatentable over Ledergerber in view of Schneider.

In reply to the non-final Office action of March 17, 2008, applicants filed a response on April 14, 2008. The response submitted by applicants included remarks, arguments traversing the rejections made in the Office action, and the cancellation of claims 8, 12 and 13.

The examiner mailed a non-final Office action on July 10, 2008, setting a three month statutory limit for reply. At the time of this non-final Office action, claims 1, 4-7, 9, 10 and 14-18 were pending in the application. Claims 2, 3, 8, 11, 12 and 13 were cancelled. Claims 1 and 4-6 were rejected under 35 USC 102(b) as anticipated by Arm et al. This rejection was maintained from the previous non-final Office action mailed on March 17, 2008. The examiner also rejected claims 7-10 and 14-18 under 35 USC 103(a) as unpatentable over Ledergerber in view of Arm et al. This particular rejection followed the heading **"New Grounds of Rejection"**. Also, while "Box 2a) This action is FINAL" was checked on the PTOL-326, it is clear that this was an obvious error and the action was considered non-final.

In reply to the non-final Office action of July 10, 2008, applicants filed a response on September 6, 2008. The response submitted by applicants included remarks and arguments traversing the rejections made in the Office action. Applicants' remarks also included that the Office action was, in fact, a non-final action. No claim amendments were made.

On March 17, 2009, the examiner mailed a final Office action setting a three month statutory limit for reply. At the time of this final Office action, claims 1, 4-7, 9, 10 and 14-18 were pending in the application. Claims 1 and 4-6 were again rejected under 35 USC 102(b) as anticipated by Arm et al. The examiner again rejected claims 7-10 and 14-18 under 35 USC 103(a) as unpatentable over Ledergerber in view of Arm et al. This particular rejection again followed the heading **"New Grounds of Rejection".**

In response thereto, applicants filed this Petition under 37 CFR § 1.181on May 16, 2009, requesting that the finality of the Office action of March 17, 2009 be vacated on the grounds that it was in error.

DISCUSSION

The Petition and the file history have been carefully considered.

Applicants' arguments are not persuasive. It is evident from the Office action of March 17, 2009 that there were no actual **"New Grounds of Rejection"** as the rejections set forth in that Office action were identical to those set forth in the previous Office action of July 10, 2008. It is quite evident that the heading **"New Grounds of Rejection"** was merely cut and pasted from the previous action. Again, because each rejection was identically set forth in the Office action of July 10, 2008 and again in March 17, 2009, the Office action was properly made final.

DECISION

The petition is **DENIED.**

Any new or renewed petition must be filed within TWO MONTHS of the mail date of this decision.

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.

Michael Wityshyn
Acting Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SMITH, GAMBRELL & RUSSELL
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA GA 30309-3592

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JUN 20 2008

OFFICE OF PETITIONS

In re Application of	:	
Stothers	:	
Application No. 11/653,095	:	ON PETITION
Filed: January 12, 2007	:	
Attorney Docket No. 047478.013	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 12, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed February 15, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 16, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The Notice to File Missing Parts of Nonprovisional application mailed February 15, 2007 stated that $9,980 of additional fee(s) where required for this application which has not been received. Please refer back to the notice for further explanation of all fee(s) due.

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.

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 Terri Williams at (571) 272-2991.

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

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NOV 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Ian McGregor Stothers, et al.	:	
Application No. 11/653,095	:	DECISION ON PETITION
Filing Date: January 12, 2007	:	
Attorney Docket No. M0025.0402/P402	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed, July 16, 2008 to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed February 15, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 6, 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 oath and surcharge, statutory basic filing fee, additional claim fees, application search fee and application examination fee; (2) the petition fee of $1,540; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for further processing.

Chris Bottorff
Petitions Examiner
Office of Petitions

Docket No.: M0025.0402/P402
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ian M. Stothers et al.

Application No.: 11/653,095

Confirmation No.: 3697

Filed: January 12, 2007

Art Unit: N/A

For: ACOUSTIC STRUCTURAL INTEGRITY MONITORING SYSTEM AND METHOD

Examiner: Not Yet Assigned

RENEWED PETITION UNDER 37 C.F.R. 1.137(B)

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Decision mailed on June 30, 2008, dismissing the Petition to Revive Application, Applicant renews the petition and hereby respectfully submits the additional required fees of $9,980.00, and a copy of the Notice to File Missing Parts for the present application.

Please charge our Credit Card in the amount of $9,980.00 covering the fees set forth in 37 CFR 1.16(f), 1.16(a)(1), 1.16(k), 1.16(o), 1.16(i), 1.16(h), and 1.16(j). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been

11/19/2008 CKHLOK 00000003 041073 11653095
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filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1073, under Order No. M0025.0402/P402.

Dated: July 16, 2008

Respectfully submitted,

By _____

Stephen A. Soffen
Registration No.: 31,063
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006-5403
(202) 420-4879
Attorney for Applicant

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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MAILED

MAY 10 2010

OFFICE OF PETITIONS

WATERS LAW GROUP PLLC
633 SEVENTH STREET
HUNTINGTON WV 25701

In re Application of :
Pierpaolo Claudio et al :
Application No. 11/653,099 : DECISION ON PETITION
Filed: January 12, 2007 :
Attorney Docket No. 05-40131-US :
(884985.20001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 11, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response and replacement drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed February 10, 2009, is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555.00 extension of time fee submitted with the petition on February 11, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary. Petitioner may request a refund of the extension fee of $555.00 by writing to the Office of Finance, Refund Section. A copy of this decision should accompany the request.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3732 for appropriate action by the Examiner in the normal course of business on the reply received February 11, 2010.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jim Helfrich
200 Choteau St
Sun River, MT 59483

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MAR 19 2009

OFFICE OF PETITIONS

In re Application of Mass et al. :
Application No. 11/653,113 : Decision on Petition
Filing Date: January 16, 2007 :
Attorney Docket No. 06122101 :

This is a decision on the petition under 37 CFR 1.137(a), filed October 28, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

In order for the merits of a petition to be considered, the petition must include the petition fee and must be properly signed. Although the petition fee has been paid, the petition does not appear to be properly signed.

Unless signed by an assignee of record or a registered attorney or agent, a petition or amendment must be signed by all of the inventors. A petition or amendment may be signed by a single inventor only when the other inventors have filed a paper stating the single inventor has the right to sign on their behalf.

In the instant case, the petition is signed by Jim Helfrich. However, Mr. Helfrich is not an assignee of record, not an inventor, and does not appear to be a registered patent attorney or patent agency. Therefore, the petition is not properly signed.

A properly signed request for reconsideration should be filed if petitioner wishes for the merits of the petition be considered. The request for reconsideration should be signed by:

(1) An assignee of record (if two assignees exist, both must sign),
(2) A registered patent attorney or patent agency,
(3) All the inventors, or
(4) Less than all the inventors if the non-signing inventor has given one of the signing inventors written authority to sign on his behalf and a copy of the written authority is filed with the request for reconsideration.

With respect to item (4) above, the written authorization would not need to take any particular form. For example, the paper might include language such as,

> I, -------, hereby give ----------, a joint inventor in this application, authorization sign papers and transact all business on my behalf connected with Application No. ----------.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jim Helfrich
200 Choteau St
Sun River, MT 59483

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JUN 0 2 2009

OFFICE OF PETITIONS

In re Application of Mass et al. :
Application No. 11/653,113 : Decision on Petition
Filing Date: January 16, 2007 :
Attorney Docket No. 06122101 :

This is a decision on the petition under 37 CFR 1.137(a), filed May 15, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

The Office mailed a non-final Office action on May 22, 2008. The Office action set a shortened statutory period for reply of three (3) months.

The Office did not receive a reply or a request for an extension of time in response to the May 22, 2008 Office action. As a result, the application became abandoned on August 23, 2008.

A petition under 37 CFR 1.137(a) and the required petition fee of $270 were filed on October 28, 2008. The petition stated,

> The first named applicant was un responsive and did not inform the other two named inventors. The first inventor has assigned his ownership rights over the second and third named inventor. The second and third named inventors were in a remote mining camp in Canada working and could not be reached to handle the appeal.
>
> Please grant the second and third named inventor the opportunity to appeal this patent application as it was through no fault of their own that this expired before they could react.

The October 28, 2008 petition was signed by Jim Helfrich. However, Mr. Helfrich was not an assignee of record, not an inventor, and does not appear to be a registered patent attorney or patent agency. Therefore, the petition was not properly signed.

Since the October 28, 2008 petition was not properly signed, the merits of the petition were not considered and a decision dismissing the petition was mailed March 19, 2009.

The instant petition was filed May 15, 2009, and is not properly signed. Therefore, the merits of the petition will not be considered and the petition is hereby dismissed.

Inventor Boksteyn

The petition is signed by inventor Boksteyn.

Inventor Charles Mass

The petition is accompanied by a legal agreement in which one corporation, 908278 Alberta Ltd. (Company A), appears to be selling shares in LED Helmets, Inc. (Company B) to inventor Brad Boksteyn. The agreement states Company A acknowledges it no longer has any interest in the patents of Company B. The agreement also states, "Charles Mass further agrees to assign any interests he may have in such Patents or Patents pending to Brad Boksteyn and to execute such further documentation as may be necessary to effect same."

The petition implies Boksteyn owns the patent. However, the agreement appears to indicate Company B may actually own the patent. If Company B owns the rights to the application, and Boksteyn is an officer of Company B and is signing the petition on behalf of Company B, then such facts should be explicitly stated. If Boksteyn owns the rights to the application, Boksteyn should explicitly state such a fact.

The Office notes an agreement to assign rights in an application to another party is not necessarily the equivalent of actually assigning rights in an application to the other party. The agreement indicates Mass agrees to assign rights in the application to Boksteyn, but does not state Mass has actually assigned his rights to Boksteyn.

If Boksteyn wishes to sign a petition alleging he or Company B own Mass' interest, then the petition must be accompanied by a showing in compliance with 37 CFR 3.73(b).

37 CFR 3.73 states,

> (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 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 For patent matters only, the submission of the documentary evidence must be accompanied by 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).

(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.

(c) (1) 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.

(2) If the submission under this section is by an assignee of less than the entire right, title and interest, such assignee must indicate the extent (by percentage) of its ownership interest, or the Office may refuse to accept the submission as an establishment of ownership.

A form that may be used to make a showing in compliance with 37 CFR 3.73(b) is enclosed.

Inventor Richard Chailler

The petition is not signed by Richard Chailler. Petitioner has not proven inventor Chailler has assigned his interests in the application to Boksteyn or to Company B. The petition does not include any statement signed by inventor Chailler giving Boksteyn authority to sign all papers filed in the application on behalf of inventor Chailler.

Requesting Reconsideration

Petitioner should ensure any request for reconsideration is properly signed.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)."

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosures: PTO/SB/96 Statement Under 37 CFR 3.73(b) form
Privacy Act Notice

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jim Helfrich
200 Choteau St
Sun River, MT 59483

MAILED

JUL 15 2009

OFFICE OF PETITIONS

In re Application of Mass et al. :
Application No. 11/653,113 : Decision on Petition
Filing Date: January 16, 2007 :
Attorney Docket No. 06122101 :

This is a decision on the petition under 37 CFR 1.137(a), filed June 29, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)."

Procedural History

The Office mailed a non-final Office action on May 22, 2008. The Office action set a shortened statutory period for reply of three (3) months. The Office did not receive a reply or a request for an extension of time in response to the May 22, 2008 Office action. As a result, the application became abandoned on August 23, 2008.

A petition under 37 CFR 1.137(a) and the required petition fee of $270 were filed on October 28, 2008. The October 28, 2008 petition was signed by Jim Helfrich. However, Mr. Helfrich was not an assignee of record, not an inventor, and does not appear to be a registered patent attorney or patent agency. Therefore, the petition was not properly signed. Since the October 28, 2008 petition was not properly signed, the merits of the petition were not considered and a decision dismissing the petition was mailed March 19, 2009. A renewed petition was filed May 15, 2009. The petition was only signed by inventor Brad Boksteyn. A decision dismissing the petition was mailed June 2, 2009. The decision indicated the petition was not properly signed.

Discussion

The Signature on the Instant Request for Reconsideration

The instant request for reconsideration includes copies of assignments from inventor Mass and inventor Chailler to inventor Boksteyn. Therefore, Boksteyn has the authority is sign a petition

to revive. Ironically, the request for reconsideration is not signed by inventor Boksteyn. Instead, the request is signed by Attorney Ryan Hager. Attorney Hager does not appear to be a registered patent attorney or agent. In other words, the record fails to indicate Attorney Hager has the authority to sign a request for reconsideration. However, in view of the fact the request is accompanied by papers signed by Boksteyn, and the fact Boksteyn signed the prior petition, the request for reconsideration will be considered properly signed.

Unless Boksteyn transfers all or part of his ownership interest in the application to another party, any future paper, such as a request for reconsideration, must be signed by Boksteyn or a registered patent attorney or agent.

The Merits of the Petition

The instant decision is the first decision addressing the merits of the petitions.

A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee,
(3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable, and
(4) A terminal disclaimer and fee *if* the application was filed on or before June 8, 1995 or *if* the application is a design application.

The instant petition lacks items (1) and (3) above.

As to item (1), petitioner has not provided any reply to the Office action mailed May 22, 2008. In many ways, a petition to revive is a petition to accept the late filing of a reply to an Office action or notice. One cannot accept the late filing of a reply if a reply has never been filed.

As to item (3), the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 37 CFR 1.137(a).

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."[1] In order for a party to prove unavoidable delay, the Office requires the party demonstrate the party exercised the "care or diligence tha[t] is generally used and observed by prudent and careful men in relation to their most important business."[2] A lack of knowledge of, or failure to

[1] *Smith v. Mossinghoff*, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (1982).

[2] *In re Mattulath*, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912). *See also Ray v. Lehman*, 55 F.3d 606, 34 U.S.P.Q.2d (BNA) 1786 (Fed. Cir. 1995) (citations omitted) ("[I]n determining whether a delay in paying a maintenance fee was unavoidable, one looks to whether the party responsible for payment of the maintenance fee exercised the due care of a reasonably prudent person.")

understand, a PTO rule, the content of the MPEP, or an Official Gazette notice will not constitute unavoidable delay.[3]

The original petition stated,

> The first named applicant was un responsive and did not inform the other two named inventors. The first inventor has assigned his ownership rights over the second and third named inventor. The second and third named inventors were in a remote mining camp in Canada working and could not be reached to handle the appeal.
>
> Please grant the second and third named inventor the opportunity to appeal this patent application as it was through no fault of their own that this expired before they could react.

The first named inventor is Charles Mass. The second two inventors are Brad Boksteyn and Richard Chailler.

The petition fails to provide the dates Boksteyn and Chailler were in Canada. The petition fails to provide any reasons Mass would have been unable to contact them via email or telephone. The petition fails to discuss whether or not Mass even tried to contact the other two inventors after he received the Office action. The petition fails to state the first date Boksteyn and Chailler learned a non-final Office action has been mailed. For the foregoing reasons, the petition fails to show the delay between the date the Office mailed an Office action and the date the first petition was filed was unavoidable.

The "Office Action Summary" for the May 22, 2008 non-final Office action stated, "Extensions of time may be available under the provisions of 37 CFR 1.136(a)." As previously stated, a lack of knowledge of, or failure to understand, a PTO rule, the content of the MPEP, or an Official Gazette notice will not constitute unavoidable delay. An individual with knowledge of PTO rules and/or the content of the MPEP would have known the abandonment of the application could be prevented by any of the following actions:

(1) Filing a reply by August 22, 2008,
(2) Filing a reply and payment of $60 for a one-month extension of time by September 22, 2008,
(3) Filing a reply and payment of $230 for a two-month extension of time by October 22, 2008, or
(4) Filing a reply and payment of $525 for a three-month extension of time by November 24, 2008.[4]

---

[3] *See Smith v. Mossinghoff*, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (*citing Potter v. Dann*, 201 U.S.P.Q. (BNA) 574 (D. D.C. 1978) for the proposition that counsel's nonawareness of PTO rules does not constitute "unavoidable" delay); *Vincent v. Mossinghoff*, 1985 U.S. Dist. LEXIS 23119, 13, 230 U.S.P.Q. (BNA) 621 (D. D.C. 1985) (Plaintiffs, through their counsel's actions, **or their own**, must be held responsible for having noted the MPEP section and Official Gazette notices expressly stating that the certified mailing procedures outlined in 37 CFR 1.8(a) do not apply to continuation applications.) (Emphasis added).

[4] November 22, 2008 was a Saturday and November 23, 2008, was a Sunday.

The petition was filed October 28, 2008. The record fails to show the inventors were unavoidably prevented from filing the reply and payment for an extension of time on or before November 24, 2008. Instead, the filing of the petition on October 28, 2008, strongly suggests a reply could have been filed by November 24, 2008.

The Office recognizes the fee for a three-month extension of time is greater than the fee for a petition under 37 CFR 1.137(a). However, the Office does not allow parties to file petitions under 37 CFR 1.137(a) in order to circumvent the need to pay for a three-month extension of time.

The issue in this case is not simply whether the delay prior to October 28, 2008. Instead, the issue is whether the *entire* delay in the filing of the reply was unavoidable. Since a reply has not been filed, the period of delay continues to accumulate. In other words, if a request for reconsideration under 37 CFR 1.137(a) and a reply were filed August 1, 2009, the request could only be granted if the request established the *entire* delay in the filing of the reply, August 23, 2008 to August 1, 2009, was unavoidable.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee ($810 for a small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

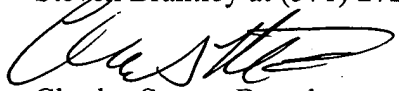
A copy of a PDF "fillable" petition under 37 CFR 1.137(b) form can be found at: http://www.uspto.gov/web/forms/sb0064_fill.pdf.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Jim Helfrich
200 Choteau St
Sun River, MT 59483

COPY MAILED

NOV 25 2009

OFFICE OF PETITIONS

In re Application of Mass et al. :
Application No. 11/653,113 : Decision on Petition
Filing Date: January 16, 2007 :
Attorney Docket No. 06122101 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 31, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

The Office mailed a non-final Office action on May 22, 2008. The Office action set a shortened statutory period for reply of three (3) months. The Office did not receive a reply or a request for an extension of time in response to the May 22, 2008 Office action. As a result, the application became abandoned on August 23, 2008.

A prior decision dismissing a petition under 37 CFR 1.137(a) was mailed July 15, 2009. The decision stated, with emphasis added,

> A grantable petition under 37 CFR 1.137(a) must be accompanied by:
> (1) The reply required to the outstanding Office action or notice, unless previously filed....
>
> The instant petition lacks items (1) and (3) above.
>
> As to item (1), petitioner has not provided any reply to the Office action mailed May 22, 2008. In many ways, a petition to revive is a petition to accept the late filing of a reply to an Office action or notice. *One cannot accept the late filing of a reply if a reply has never been filed.*
>
> Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the *required reply*....

Unfortunately, the instant petition cannot be granted because the petition is not accompanied by a reply to the May 22, 2008 Office action.

A copy of the May 22, 2008 Office action is enclosed. Any request for reconsideration should include a reply to the Office action.

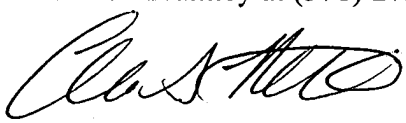
The file does not indicate a change of address has been submitted; although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record. A form that may be used to change the address of record is enclosed. A PDF "fillable" version of the form can be found at: http://www.uspto.gov/web/forms/sb0122_fill.pdf.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosures: Copy of May 22, 2008 Office action
Change of Address Form (PTO/SB/122)
Privacy Act Notice

cc: Brad Boksteyn
11921-107 Street
Grand Prairie, Alberta T8V 8C4
CANADA

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/653,113	01/16/2007	Charles Mass	06122101	5125

7590 05/22/2008

Jim Helfrich
200 Choteau St
Sun River, MT 59483

EXAMINER	
GRAMLING, SEAN P	
ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
05/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	11/653,113	MASS ET AL.	
	Examiner	Art Unit	
	SEAN P. GRAMLING	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 January 2007* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because **photographs are not permitted unless they are the only practicable medium for illustrating the claimed invention (see 37 C.F.R. 1.84 (b) (1))**. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

2. **Claims 1, 7 and 8** are objected to because of the following informalities: In claim 1, line 9, Applicant recites the limitation "the LED". There is insufficient antecedent basis for this limitation in the claim. In claims 7 and 8, line 13, Applicant recites the limitation "the LED". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-8** are rejected under 35 U.S.C. 102(b) as being anticipated by *Davis* (US 6,328,454).

5. Regarding claim 1, Davis discloses a light helmet comprising a means 1 for protecting the head of the wearer from impact and shock that would cause trauma to the human head; means 2 for lighting up the helmet at various intensities to increase visibility under varying light conditions; means 6 for increasing or decreasing the power to the LED to make it more or less bright or to cause it to blink or be steady in its light emission; means 4 for intercepting shock and impact by crushing to absorb the impact that otherwise would strike the wearers head; and means 10 powering the LED lights (see Figures 1-2 and column 2, line 65 through column 3, line 22).

6. Regarding claim 2, the means 1 for protecting the head of the wearer from impact and shock that would cause trauma to the head comprises an exterior wall, interior wall, vented, shock absorbing, impact absorbing cushioned helmet (see Figures 1 and 2).

7. Regarding claim 3, the means 2 for lighting up the helmet at various intensities to increase visibility under varying light conditions comprises a bright, luminescent light emitting diode 2 (see column 3, lines 40-45).

8. Regarding claim 4, the means 6 for increasing or decreasing the power to the LED to make it more or less bright or to cause it to blink or be steady in it light emission comprises a voltage variable intensity switch (see column 3, lines 13-19 and 40-45).

9. Regarding claim 5, the means 4 for intercepting shock and impact by crushing to absorb the impact that otherwise would strike the wearers head comprises a shock absorbing, impact absorbing ridge contours (see Figures 1 and 4).

10. Regarding claim 6, the means 10 for powering the LED lights comprises an electrical energy power source (see column 3, lines 20-22).

11. Regarding claim 7, Davis discloses a light helmet comprising an exterior wall, interior wall, vented, shock absorbing, impact absorbing, cushioned helmet for protecting the head of the wearer from impact and shock that would cause trauma to the human head; a bright, luminescent light emitting diode 2 for lighting up the helmet at various intensities to increase visibility under varying light conditions; a voltage variable intensity switch 6 for increasing or decreasing the power to the LED to make it more or less bright or to cause it to blink or be steady in its light emission; a shock absorbing, impact absorbing ridge contours for intercepting shock and impact by crushing to absorb the impact that otherwise would strike the wearers head; and a electrical energy power source 10 for powering the LED lights 2 (see Figures 1-2 and 4, and column 2, line 65 through column 3, line 22).

12. Regarding claim 8, Davis discloses a light helmet comprising an exterior wall, interior wall, vented, shock absorbing, impact absorbing, cushioned helmet for protecting the head of the wearer from impact and shock that would cause trauma to the human head; a bright, luminescent light emitting diode 2 for lighting up the helmet at various intensities to increase visibility under varying light conditions; a voltage variable intensity switch 6 for increasing or decreasing the power to the LED to make it more or

less bright or to cause it to blink or be steady in its light emission; a shock absorbing, impact absorbing ridge contours for intercepting shock and impact by crushing to absorb the impact that otherwise would strike the wearers head; and a electrical energy power source 10 for powering the LED lights 2 (see Figures 1-2 and 4, and column 2, line 65 through column 3, line 22).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN P. GRAMLING whose telephone number is (571)272-9082. The examiner can normally be reached on MONDAY-FRIDAY 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sean P Gramling
Examiner
Art Unit 2875

/SPG/

/Sandra L. O'Shea/

Supervisory Patent Examiner, Art Unit 2875

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Jim Helfrich
200 Choteau St
Sun River, MT 59483

MAILED

JUL 12 2010

OFFICE OF PETITIONS

In re Application of Mass et al. :
Application No. 11/653,113 : Decision on Petition
Filing Date: January 16, 2007 :
Attorney Docket No. 06122101 :

This is a decision in response to papers filed March 20, 2010, which is being treated as a renewed petition under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. *The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."*

The Office mailed a non-final Office action on May 22, 2008. The Office action set a shortened statutory period for reply of three (3) months. The Office did not receive a reply or a request for an extension of time in response to the May 22, 2008 Office action. As a result, the application became abandoned on August 23, 2008.

The Instant Petition is Untimely

The decision mailed November 25, 2009, stated,

> 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 instant petition was filed March 20, 2010.

Payment of $245 for a two-month extension of time was necessary in order for the instant petition to be timely. The petition only included a money order in the amount of $60 for an extension of time. Therefore, the petition is untimely.

Any request for reconsideration should include $185 for the remainder of the fee due for the required extension of time.

A Proper Request for Reconsideration has not Been Filed

The prior decision mailed November 25, 2009, stated a reply to the outstanding Office action must be filed with any request for reconsideration. The prior decision also stated, "The reconsideration request should include a cover letter entitled 'Renewed Petition under 37 CFR 1.137(b).'"

On March 20, 2010, petitioner filed an amendment without filing a separate request for reconsideration. A request for reconsideration must be a separate paper.

Any request for reconsideration should be filed as a separate paper from any amendments filed with the request for reconsideration. The request should also be properly signed and entitled, "Renewed Petition under 37 CFR 1.137(b)."

The Reply Filed with the Petition is Improper

The amendment is unsigned. Therefore, the amendment is improper.

A properly signed reply must be filed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
www.uspto.gov

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

JUL 15 2008

In re Application of
Jun MATSIDA
Application No. 11/653134
Filed: January 11, 2007
Attorney Docket No. 4386.77307

: DECISION ON REQUEST TO
: PARTICIPATE IN PATENT
: PROSECUTION HIGHWAY
: PILOT PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 27, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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 claims(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or

iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS), applicant may request the USPTO obtain a copy from the SAD; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5) (a)(i)-(ii) above, if applicable; and

c. A statement that the English translation is accurate;

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)

b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kathryn Gorgos
TQAS TC 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/653,144	01/11/2007	1646	1000	STK-4 DIV CON	20	3

CONFIRMATION NO. 5839

UPDATED FILING RECEIPT

OC000000023702540

1473
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

Date Mailed: 05/04/2007

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 C. Lee, San Antonio, TX;
Lee-Chuan C. Yeh, San Antonio, TX;

Power of Attorney:

James Haley Jr--27794
Z Li--42800
Karen Mangasarian--43772

Domestic Priority data as claimed by applicant

This application is a CON of 10/753,916 01/07/2004 ABN
which is a DIV of 09/672,224 09/27/2000 PAT 6,696,410
which claims benefit of 60/156,261 09/27/1999

Foreign Applications

If Required, Foreign Filing License Granted: 05/04/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/653,144

Projected Publication Date: 08/16/2007

Non-Publication Request: No

Early Publication Request: No

Title

Compositions and therapeutic methods using morphogenic proteins, hormones and hormone receptors

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier

license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

JUN 19 2009

OFFICE OF PETITIONS

In re Application of :
Jason Du :
Application No. 11/653,152 : ON PETITION
Filed: January 12, 2007 :
Attorney Docket No. 021300-000300US :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed May 18, 2009.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a response to the non-final Office action mailed October 8, 2008. This Office action set an extendable period for reply of three (3) months. No reply having been received, the application became abandoned on January 9, 2009. A Notice of Abandonment was mailed on May 8, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 2164 for consideration of the Amendment filed May 18, 2009.

Telephone inquiries regarding 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
United States Patent and Trademark Office
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ILLINOIS TOOL WORKS INC.
3600 WEST LAKE AVENUE
PATENT DEPARTMENT
GLENVIEW, IL 60025

Mail Date: 04/27/2010

Applicant	: Lawrence W. Johnson	: DECISION ON REQUEST FOR
Patent Number	: 7640707	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/653,157	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **235** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY NY 11530

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SEP 0 5 2008

OFFICE OF PETITIONS

In re Application of :
Kawano, et al. :
Application No. 11/653,168 : ON PETITION
Filed: January 12, 2007 :
Attorney Docket No.: 20662 :

This is a decision on the petition under 37 CFR 1.182, filed May 7, 2007, requesting a refund of the extension of time within the first month paid April 30, 2007. The petition will be treated under 37 CFR 1.181.

The petition is **dismissed**.

On January 12, 2007, the above-identified application was filed. However, on January 26, 2007, the Office of Patent Application Processing mailed a "Notice to File Missing Parts of Non-Provisional Application" allowing a shortened period for reply of two months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136. On April 30, 2007, applicant filed a response to the Notice to File Missing Parts of Non-Provisional Application with a request for an extension of time within the first month. Petitioner now files the instant petition request a refund of the fee for the extension of time within the first month stating the "Notice to File Missing Parts of Non-Provisional Application" was not received until March 12, 2007, although it was mailed January 26, 2007.

When an Office action is not received in a reasonable period after the Office action is mailed, the relief offered by the Office is set forth in Section 710.06 of the Manual of Patent Examining Procedure, which provides, in pertinent 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.
>
> There is no statutory requirement that a shortened statutory period of longer than 30 days to reply to an Office action be reset due to delay in the mail or in the Office. However, when a substantial portion of the set reply period had elapsed on the date of receipt at the correspondence address (e.g., at least 1 month of a 2- or 3-month period had elapsed), the procedures set forth above for late receipt of action are available. Where an Office action was received with less than 2 months remaining in a shortened statutory period of 3 months the period may be restarted from the date of receipt. Where the period remaining is between 2 and 3 months, the period will be reset only in extraordinary situations, e.g., complex Office action suggesting submission of comparative data.

It is not appropriate to refund the fee for the extension of time since the extension of time was necessary in order for the response of April 30, 2007, to be considered timely and because appropriate relief was available, as indicated by MPEP 710.06 cited above, of which petitioner did not avail itself. The petition is dismissed accordingly.

The application is being returned 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

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA 98104-7092

MAILED

FEB 04 2009

OFFICE OF PETITIONS

In re Application of:	:	
Pomet et al.	:	
Application No. 11/653185	:	DECISION GRANTING
Filing or 371(c) Date: 01/12/2007	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
METHOD AND DEVICE FOR GENERATING A RANDOM NUMBER IN A USB (UNIVERSAL SERIAL BUS) PERIPHERAL	:	

This is in response to a Petition Under 37 CFR § 1.47(a), filed December 2, 2008, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This reissue application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Alain Pomet, refuses to join in the above-identified 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 reissue application will also be published in the Official Gazette.

The reissue application file is being referred to Technology Center Art Unit 2193 for examination in the normal course of business.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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

MR. ALAIN POMET
RN 7
LES BANNETTES
13790 ROUSSET, FRANCE

MAILED

FEB 04 2009

OFFICE OF PETITIONS

In re Application of:
Pomet et al.
Application No. 11/653185
Filing or 371(c) Date: 01/12/2007
Title of Invention:
METHOD AND DEVICE FOR GENERATING A RANDOM NUMBER IN A USB (UNIVERSAL SERIAL BUS) PERIPHERAL

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.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

CC: SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA 98104-7092

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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PFIZER INC.
PATENT DEPARTMENT, MS8260-1611
EASTERN POINT ROAD
GROTON CT 06340

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SEP 23 2008

In re Application of :
Pons, et al. :
Application No. 11/653,206 : DECISION ON PETITION
Filed: January 12, 2007 :
Attorney Docket No. PC19489D :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 21, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned February 16, 2008 for failure to timely submit a proper reply to the non-final Office action mailed November 15, 2007. The non-final Office action set a three month shortened statutory period of time for reply. No petition for extension of time under 37 CFR 1.136 was filed. Notice of Abandonment was mailed May 30, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply, (2) the required petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

This application is being referred to Technology Center AU 1643 for appropriate action by the Examiner in the normal course of business on the reply received July 28, 2008.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF DATA MANAGEMENT

DAVIDSON BERQUIST JACKSON & GOWDEY LLP
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON VA 22203

JAN 14 2009

In re Application of :
TSAI, HUNG-CHIEH :
Application No. 11/653,267 :
Filed: January 16, 2007 :
Attorney Docket No. 2561-0056 :

DECISION ON PETITION

This is a decision on the Petition To Withdraw Holding of Abandonment (CFR 1.181), received in the United States Patent and Trademark Office (USPTO) on December 24, 2008.

The petition is **DISMISSED.**

Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO MONTHS (2) from the mail date of this decision.

The application was held abandoned for failure to timely pay the issue fee as required in the Notice Of Allowance and Fee(s) Due, mailed August 25, 2008, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed December 19, 2008.

The Office acknowledges the timely receipt of Part B – Fee(s) Transmittal (Transmittal) on October 7, 2008, as evidenced by the "Office Date" stamp thereon. However, without the inclusion of the Deposit Account Number on the form there was no authorization to charge the required fees.

As an additional aid to applicants, the rule as proposed has been amended to include §§ 1.311(b)(1) and (b)(2) that can act as safety mechanisms. Where it is clear that an applicant actually intends to pay the issue fee and publication fee (if required) such as by submitting an incorrect issue fee or publication fee, or a fee transmittal form (or letter) for payment of the fees, a request to charge the correct issue fee or any publication fee due to any deposit account identified in a previously filed authorization to charge **such** fees, will be allowed to act a payment of the correct issue fee.

Petitioner should review the amended rules pertaining to general authorization to pay fees. See 65 FR 54647 September 8, 2000, revised 69 FR 56481 September 21, 2004, effective September 21, 2004.

Unfortunately, the application file does not reveal a previously filed authorization to charge **such** fee(s) or specifically the issue fee.

In light of the non-compliance with 37CFR 1.25, the holding of abandonment cannot be withdrawn. Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website http://www.uspto.gov)

Under 37 CFR 1.137(a), a petition for the revival of an ***unavoidable*** abandoned application
Under 37 CFR 1.137(b), a petition for the revival of an ***unintentionally*** abandoned application

Further correspondence with respect to filing the petition under 37 CFR 1.137 should be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
Office of Petitions
P O Box 1450
Alexandria, VA 22313-1450

Telephone inquires concerning this decision be directed to the undersigned in the Office of Patent Publication at 703-305-9250 x 175.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

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United States Patent and Trademark Office
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www.uspto.gov

DAVIDSON BERQUIST JACKSON & GOWDEY LLP
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON VA 22203

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OFFICE OF PETITIONS

In re Application of	:	
Hung-Chieh Tsai	:	
Application No. 11/653,267	:	ON PETITION
Filed: January 16, 2007	:	
Attorney Docket No. 2561-0056	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 16, 2009, which will be treated as a petition to withdraw of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay issue and publication fees on or before November 25, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed August 25, 2008. A Notice of Abandonment was mailed December 19, 2008.

Petitioner contends that the Notice of Abandonment mailed December 19, 2008 for failure to respond to the Notice of Allowance and Fee(s) Due mailed August 25, 2008 be withdrawn as petitioner timely filed a response. Petitioner contends that the application file includes a previously filed authorization to charge such fees as the issue and publication fees. After reviewing the file the issue and publication fees will be charged to petitioner's deposit account.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Further, the petition under 37 CFR 1.137(b) is hereby **DISMISSED AS MOOT**.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

/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
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BUCHANAN, INGERSALL & ROONEY, PC
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404

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DEC 03 2008

Applicant: Testa et al.
Appl. No.: 11/653,303
Filing Date: January 16, 2007
Title: Ribozyme catalyzed insertion of a targeted sequence into RNA
Attorney Docket: 1028750-000240
Pub. No.: US 2007/0270367-A1
Pub. Date: November 22, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 10, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein "Ribozyme catalyzed insertion of a targeted sequence into RNA" is misprinted as "Rybozyme catalyzed insertion of a targeted sequence into RNA" in the title of the invention.

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 instant request does not identify a mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the front page of the publication wherein "Ribozyme catalyzed insertion of a targeted sequence into RNA" is misprinted as "Rybozyme catalyzed insertion of a targeted sequence into RNA" in the title of the invention. The application was correctly published with the title provided on the Specification and the Transmittal letter.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

---

[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).

Applicants' request for a corrected patent application publication on January 10, 2008, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

Filing Receipts were mailed by the Office on February 2, 2007 and August 10, 2007, which listed the title of the invention. To avoid this type of problem in the future, applicant's representative should review the Filing Receipt and make an amendment to the title and a request for a Corrected Filing Receipt.

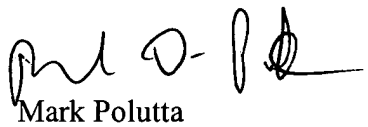
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/653,307	01/16/2007	Ryohei Furumachi	007898-0359167	5104

7590 07/09/2010

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER	
TRAN, THAI Q	

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
07/09/2010	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.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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JUN 25 2009

OFFICE OF PETITIONS

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

In re Application of
Steffen Loeffler
Application No. 11/653,312
Filed: January 16, 2007
Attorney Docket No. VT062731

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 29, 2009.

The request is **APPROVED**.

The request was signed by David G. Posz on behalf of all attorneys of record listed on the Request to Withdraw as attorney or agent.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to assignee Infineon Technologies North America Corp. address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Infineon Technologies North America Corp.
c/o Qimonda AG
Patent Administration Postfach 83 07 07
Munich D-81707
Germany

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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	: Hideaki Tamai	: DECISION ON REQUEST FOR
Patent Number	: 7630642	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/653,351	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **509** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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BUHLER ASSOCIATES
BUHLER, KIRK A.
1101 CALIFORNIA AVE.
SUITE 208
CORONA CA 92881

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OCT 26 2009

OFFICE OF PETITIONS

In re Application of :
Mary A. Clair :
Application No. 11/653,410 : DECISION ON PETITION
Filed: January 16, 2007 : TO WITHDRAW
Attorney Docket No. **MC01-02U** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 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 Kirk Buhler on behalf of all attorneys of record who are associated with the Customer No. 37038.

All attorneys/agents associated with Customer No. 37038 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 Mary A. Clair at the address list below.

There is no 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: Mary A. Clair
P.O. Box 444
Nisswa, MN 56468

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
11/653,410	01/16/2007	Mary A. Clair	MC01-02U

CONFIRMATION NO. 5055

POWER OF ATTORNEY NOTICE

37038
BUHLER ASSOCIATES
BUHLER, KIRK A.
1101 CALIFORNIA AVE.
SUITE 208
CORONA, CA 92881

OC000000038455345

Date Mailed: 10/26/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/15/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of :
Zhu et al. :
Application No. 11/653,439 : ON PETITION
Filed: January 16, 2007 :
Attorney Docket No. BHD-889-22 :

This is a decision on the petition under 37 CFR 1.53(e), filed February 22, 2007, requesting that the above-identified application be accorded a filing date of January 16, 2007.

On January 16, 2007, applicants deposited the above-identified application. On February 9, 2007, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," indicating that the application had not been accorded a filing date as the application was deposited without any drawings and that the filing date would be the date of receipt of the omitted items. Additionally, the Notice stated that applicants must submit an oath or declaration and pay the basic filing, search, examination, and additional claim fees.

On February 22, 2007, applicants submitted the present petition, one drawing sheet, an executed declaration, a returned, date-stamped postcard receipt, and the requisite fees. The postcard acknowledged receipt of 10 pages of specification, 22 claims, and 1 sheet of drawings deposited in the United States Patent and Trademark Office (USPTO) on January 16, 2007.

Upon review of the record, the 1 sheet of drawings, deposited on January 16, 2007, has not been located among the application papers. Nevertheless, the evidence is convincing that the application papers deposited on January 16, 2007, included 1 drawing sheet, which were subsequently misplaced in the USPTO. Therefore, the application including the 1 drawing sheet (Figure 1), was complete on filing and will be granted a filing date of January 16, 2007.

Accordingly, the petition is **granted**. The requirement for drawings as set forth in the Notice of Incomplete was sent in error and is hereby withdrawn.

This matter is being referred to the Office of Initial Patent Examination for processing of the **above-identified application with a filing date of January 16, 2007**, using the 1 sheet of drawings submitted with the present petition on February 22, 2007.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DONALD R. HEINER, ESQ.
71 MOUNT VERNON STREET
RIDGEFIELD PARK, NJ 07660

COPY MAILED

JUN 19 2008

OFFICE OF PETITIONS

In re Application of :
Anna Kyriakides, et al. :
Application No. 11/653,460 : DECISION ON PETITION
Filed: January 16, 2007 : TO WITHDRAW
Attorney Docket No. : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 23, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "Donald R. Heiner, Esq. is retiring from the practice of law", do not meet any the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: ANNA KYRIAKIDES
63 SUFFOLK LANE
TENAFLY, NJ 07670

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Alexandria, VA 22313-1450
www.uspto.gov

MAURICE M. LYNCH
429 CHURCH AVENUE
WARWICK RI 02885

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JAN 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Deatt et al. :
Application No. 11/653,472 : DECISION ON PETITION
Filed: January 16, 2007 :
Attorney Docket No. 06-002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 3, 2007, 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 12, 2007. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on April 13, 2007. A Notice of Abandonment was mailed on November 13, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration executed by Weedon III, and surcharge fee (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay.

A review of the address provided on the petition differs from the correspondence address of record. A courtesy copy is being provided. However, all future correspondence will be mailed to the correspondence address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215 .

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Maurice M. Lynch
479 Church Avenue
Warwick, Rhode Island 02885

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Alexandria, VA 22313-1450
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SCHLUMBERGER K.K.
2-2-1 FUCHINOBE
SAGAMIHARA-SHI, KANAGAWA-KEN 229-0-006 JP
JAPAN

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APR 2 5 2008

OFFICE OF PETITIONS

In re Application of:	:	
Haheim et al.	:	
Application No. 11/653488	:	DECISION DISMISSING
Filing or 371(c) Date: 08/24/2006	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
SONDE	:	

This Decision is in response to the petition under 37 C.F.R. § 1.47, filed March 13, 2008. The correspondence is properly treated as a Petition under 37 CFR 1.47(a), to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **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 [insert the applicable code section]"; 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).

Background

The above-identified application was filed on August 24, 2008, without, a fully executed oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application, on January 7, 2008, requiring *inter alia*, a properly signed oath or declaration.

The present petition

Applicant files the present petition wherein Applicant asserts that the nonsigning inventors refuse to join in the application. In support of this assertion, Applicant states that a declaration was sent to each of the inventors, and that inventors Haheim and Wason refused to sign the declaration. Applicant states that it is Applicant's understanding that the inventors refuse to join in the application unless they are compensated.

Applicable Law, Rules and MPEP

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), the MPEP provides:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the non-signing inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration.

MPEP 409.03(d).

Analysis

Applicant has not presented evidence that a copy of the application papers were sent to the last known address of the non-signing inventors. Applicant must present a copy of the application papers to the nonsigning inventor. The MPEP provides

> 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.

MPEP 409.03(d).

In this instance, Applicant provides that the inventors were presented with a copy of the declaration only. Applicant must mail the application (specification, claims and drawings), to the last known address of the inventors. That address should be the last known address at which the

inventors customarily receive mail. See MPEP § 605.03. Ordinarily, the last known address will be the last known residence of the nonsigning inventor.

Conclusion

Applicant must present a copy of the application to the nonsigning inventor before a refusal to join in the application may be alleged.

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

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SAGAMIHARA-SHI, KANAGAWA-KEN 229-0-006 JP
JAPAN

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JUL 17 2008

In re Application of:	:	
Haheim et al.	:	
Application No. 11/653488	:	DECISION GRANTING
Filing or 371(c) Date: 08/24/2006	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
SONDE	:	

This Decision is in response to the renewed petition under 37 CFR 1.47(a), filed June 11, 2008, 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, Svein Haheim and Will Wason, 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 Technology Center Art Unit 3672 for examination in the normal course of business.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MR. WILL WILSON
16 VICTORIA SQUARE, PENZANCE
CORNWALL TR 18 2EP
UNITED KINGDOM

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JUL 17 2008

In re Application of:	:	
Haheim et al.	:	
Application No. 11/653488	:	LETTER
Filing or 371(c) Date: 08/24/2006	:	
Title of Invention:	:	
SONDE	:	

Dear Mr. Wilson:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

CC: SCHLUMBERGER K.K.
2-2-1 FUCHINOBE
SAGAMIHARA-SHI, KANAGAWA-KEN 229-0-006 JP
JAPAN

UNITED STATES PATENT AND TRADEMARK OFFICE

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MR. SVEIN HAHEIM
ODINS GATE
0266 OSLO
NORWAY

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JUL 17 2008

In re Application of:	:	
Haheim et al.	:	
Application No. 11/653488	:	LETTER
Filing or 371(c) Date: 08/24/2006	:	
Title of Invention:	:	
SONDE	:	

Dear Mr. Haheim:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

CC: SCHLUMBERGER K.K.
2-2-1 FUCHINOBE
SAGAMIHARA-SHI, KANAGAWA-KEN 229-0-006 JP
JAPAN

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OFFICE OF PETITIONS

SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE FL 32614-2950

In re Application of :
Chomyn, et al. :
Application No. 11/653,498 : ON PETITION
Filed: January 16, 2007 :
Attorney Docket No. OPH-048

This is a decision on the petition under 37 CFR 1.182 to change the order of the inventors cited on this application in USPTO records.

The petition is **granted.**

The order of the inventors is now as follows:

1. Jeff Chomyn
2. Larry H. Sverdrup
3. Jagdish M. Jethmalani
4. Andreas W. Dreher

A corrected filing receipt is enclosed.

The application file is being directed to Technology Center 2800, GAU 2873 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

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
11/653,498	01/16/2007	2873	1140	OPH-048	31	6

CONFIRMATION NO. 6859

CORRECTED FILING RECEIPT

23557
SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE, FL 32614-2950

Date Mailed: 12/20/2007

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Jeffrey S. Chomyn, San Diego, CA;
Larry H. Sverdrup, Poway, CA;
Jagdish M. Jethmalani, San Diego, CA;
Andreas w. Dreher, Escondido, CA;

Power of Attorney: The patent practitioners associated with Customer Number 23557

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/784,394 03/20/2006

Foreign Applications

If Required, Foreign Filing License Granted: 02/09/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/653,498**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Materials and methods for producing lenses

Preliminary Class

359

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/653,512	01/12/2007	Kyong-Tae Park	ABS-2850 US	6839

7590 04/10/2009

Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas, TX 75219

EXAMINER	
HJERPE, RICHARD A	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
04/10/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 04/10/2009 NFARMER
01/18/2007 HGUTEMA1 00000025 502257 11653512
02 FC:1111 500.00 CR
04 FC:1202 100.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

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Sand & Sebolt
Aegis Tower, Suite 1100
4940 Munson Street, NW
Canton, OH 44718-3615

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OCT 3 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Dennis D. Belden, Jr., et al.	:	
Application No. 11/653,565	:	DECISION ON PETITION
Filed: January 16, 2007	:	TO WITHDRAW
Attorney Docket No. 3719/50US-8	:	FROM RECORD
	:	

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
Petitions Examiner
Office of Petitions

cc: **Adams Intellectual Property Law, P.A.**
Suite 2350 Charlotte Plaza
201 South College Street
Charlotte, NC 28244

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JUN 23 2008

POTTER ANDERSON & CORROON LLP
ATTN: KATHLEEN W. GEIGER, ESQ.
P.O. BOX 951
WILMINGTON DE 19899-0951

In re Application of :
Enno KREBBERS et al. :
Application No. 11/653,567 : DECISION ON PETITION
Filed: January 16, 2007 :
Attorney Docket No. **BB1344 US DIV** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 07, 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 Restriction Requirement, mailed October 29, 2007, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 30, 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 election, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay. Accordingly, the reply to the restriction requirement of October 29, 2007 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 1638 for appropriate action on the concurrently filed amendment.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **SABINE U. EPELBAUM**
E. I. DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1128
4417 LANCASTER PIKE
WILMINGTON DE 19805

PTO/SB/64 (10-07)
Approved for use through 10/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) BB1344 US DIV

First named inventor: ENNO KREBBERS

Application No.: 11/653567 Art Unit: 1632

Filed: JANUARY 16, 2007 Examiner: KALLIS, RUSSELL

Title: PLANT VIRAL MOVEMENT PROTEIN GENES

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 $ 1,540.00 (37 CFR 1.17(m))

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of Response to Restriction Requirement (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.

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.

_____	May 7, 2008
Signature	Date
/Sabine U. Epelbaum/	56,674
Typed or printed name	Registration Number, if applicable
E. I. DU PONT DE NEMOURS AND COMPANY	302-695-1161
Address	Telephone Number
Legal Patent Records Center, Barley Mill Plaza 25/1128	
Address	
4417 Lancaster Pike, Wilmington, DE 19805	
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

Notice of Abandonment	Application No.	Applicant(s)	
	11/653,567	KREBBERS ET AL.	
	Examiner	Art Unit	
	RUSSELL KALLIS	1638	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on *29 October 2007*.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☒ The reason(s) below:

In a phone conversation with the office of Applicants' representative, Brad Kurtz stated that the restriction requirement had been inadvertently lost and that there is no record of its having been received; and thus no reply had been filed.

/Russell Kallis/
Primary Examiner, Art Unit 1638
May 6, 2008

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 11653567 Total Records Found: 6

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
05/07/2008	00011821	4	1453	$1,540.00	05/07/2008	DA 041928
04/10/2007	00000048	1	1051	$130.00	04/09/2007	DA 501447
01/22/2007	00000081	1	8021	$40.00	01/16/2007	DA 061130
01/18/2007	00000021	1	1011	$300.00	01/16/2007	DA 501447
01/18/2007	00000022	1	1111	$500.00	01/16/2007	DA 501447
01/18/2007	00000023	1	1311	$200.00	01/16/2007	DA 501447

Attorney / Agent / Customer Number Search Results

Registration # 56674 Agent's Application
EPELBAUM,SABINE
DuPont de Nemours
Experimental Station, Building 353
Room 136C
Wilmington, DE 19803

Registration Status : **ACTIVE** Attorney Type : **Agent**

Customer Number	Customer Telephone Number	Customer Address
23906 Customer's Applications	302-992-2973	E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1122B 4417 LANCASTER PIKE WILMINGTON, DE 19805

Search Another: Attorney/Agent/Customer

Registration# [ ] Search **Customer#** [ ] Search

Attorney's/Agent's Last Name [ ] **First Name** [ ]

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FEB 18 2010

OFFICE OF PETITIONS

ORGANON USA, INC.
c/o Schering-Plough Corporation
2000 Galloping Hill Road
Mail Stop: K-6-1, 1990
Kenilworth NJ 07033

In re Application of :
Cai, et al. : LETTER REGARDING
Application No.: 11/653,600 : PATENT TERM ADJUSTMENT
Filed: January 16, 2007 :
Attorney Docket No.2006.940US :

This is in response to the "LETTER REGARDING PATENT TERM ADJUSTMENT DETERMINATION" filed August 20, 2009. Pursuant to applicant's duty of good faith and candor to the Office, applicant requests that the determination of patent term adjustment under 35 U.S.C 154(b) be reviewed for accuracy.

The request for review of determination of the patent term adjustment is **GRANTED**.

The Office has updated the PALM and PAIR screens to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is fifty (50) days. A copy of the updated PALM screen, showing the corrected determination, is enclosed.

On May 22, 2009, a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) was mailed indicating that the patent term adjustment to date was 127 days. On August 20, 2009, applicants submitted the instant comment. Applicants disclose that applicants believe that the patent term adjustment indicated in the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed May 22, 2009, is incorrect. In summary, applicants state that, in calculating the patent term adjustment, the Office failed to recognize a reduction of 77 days to the patent term pursuant to 37 CFR 1.704(c)(8) for the filing of a supplemental paper, specifically an Information Disclosure Statement, on May 11, 2009, after a reply to the non-final Office action was initially filed on February 23, 2009.

A review of the application history reveals that an Information Disclosure Statement was filed on May 11, 2009, 77 days after a

response to a non-final Office action was filed on February 23, 2009. 37 CFR 1.704(c)(8) provides that:

> (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:
>
> (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, 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 initial reply was filed and ending on the date the supplemental reply or other such paper was filed.

37 CFR 1.704(d) provides that:

> (d) A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

The Information Disclosure Statement filed May 11, 2009, was filed 77 days after the response to the non-final Office action was filed on February 23, 2009. A review of the Information Disclosure Statement filed May 11, 1009, reveals that it did not include the proper statement under 1.704(d). Furthermore, the record does not show that the Examiner expressly requested the filing of the Information Disclosure Statement on May 11, 2009.

Accordingly, pursuant to 37 CFR 1.704(c)(8), a period of reduction of seventy-seven (77) days will be entered.

In view thereof, the determination of the patent term adjustment at the time of the mailing of the notice of allowance is fifty (50) days.

As this letter was submitted as an advisement to the Office of an error in the calculation of the Patent Term Adjustment, the Office will not assess the $200.00 application fee under 37 1.18(e). The Office thanks applicant for his good faith and candor in bringing this to the attention of the Office.

Applicant is 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 applicant will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicant approximately three weeks prior to issuance.

Telephone inquiries regarding this specific matter should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen

Day : Wednesday

PALM INTRANET

Date: 2/17/2010
Time: 09:06:07

PTA Calculations for Application: 11/653600			
Application Filing Date:	01/16/2007	PTO Delay (PTO):	190
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	63
Post-Issue Petitions:	0	Total PTA (days):	50
PTO Delay Adjustment:	-77		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
61	02/17/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		77	
49	05/22/2009	MAIL NOTICE OF ALLOWANCE			
48	05/20/2009	ISSUE REVISION COMPLETED			
47	05/20/2009	DOCUMENT VERIFICATION			
46	05/20/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
45	05/20/2009	CASE DOCKETED TO EXAMINER IN GAU			
44	05/19/2009	EXAMINER'S AMENDMENT COMMUNICATION			
43	05/19/2009	NOTICE OF ALLOWABILITY			
42	05/11/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
41	05/11/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
37	05/11/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
36	05/11/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
35	03/19/2009	DATE FORWARDED TO EXAMINER			
34	02/23/2009	RESPONSE AFTER NON-FINAL ACTION		63	30
33	02/23/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
32	09/22/2008	ELECTRONIC REVIEW			
31	09/22/2008	EMAIL NOTIFICATION			
30	09/22/2008	MAIL NON-FINAL REJECTION	190		-1
29	09/15/2008	NON-FINAL REJECTION			
28	05/18/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
		CHANGE IN POWER OF ATTORNEY (MAY			

25	01/02/2008	INCLUDE ASSOCIATE POA)			
24	10/02/2007	CASE DOCKETED TO EXAMINER IN GAU			
23	08/02/2007	PG-PUB ISSUE NOTIFICATION			
22	06/08/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
21	05/18/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	06/05/2007	CORRESPONDENCE ADDRESS CHANGE			
18	05/18/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	05/15/2007	APPLICATION DISPATCHED FROM OIPE			
16	05/15/2007	APPLICATION DISPATCHED FROM OIPE			
15	04/24/2007	SENT TO CLASSIFICATION CONTRACTOR			
14	04/24/2007	APPLICATION IS NOW COMPLETE			
9	04/02/2007	ADDITIONAL APPLICATION FILING FEES			
8	04/02/2007	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	02/23/2007	CLEARED BY L&R (LARS)			
4	02/01/2007	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
3	02/01/2007	CASE CLASSIFIED BY OIPE			
2	01/22/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	01/16/2007	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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406 ROSEMONT-RINGOES ROAD
STOCKTON, NJ 08559

MAILED

MAY 20 2009

OFFICE OF PETITIONS

In re Application of :
KENNETH D. FOGEL :
Application No. 11/653,609 : DECISION ON PETITION
Filed: January 16, 2007 : TO WITHDRAW
Attorney Docket No. b2061215 : 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 29, 2008.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 45698 has been revoked by the Applicant of the patent application on January 12, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272- 4584.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: BAKER & RANNELLS, PA
575 ROUTE 28
SUITE 102
RARITAN NJ 08869

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

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SEP 25 2008

In re Application of :

PAEZ, Robert :
Application No. 11/653,620 : DECISION ON PETITION
Filed: January 12, 2007 : TO WITHDRAW
Attorney Docket No. **58825/P812** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 25, 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 Thomas J. Daly on behalf of all attorneys of record who are associated with customer No. 23363. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Robert Paez 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: **ROBERT PAEZ**
920 CYPRESS AVENUE
ONTARIO, CA 91762

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

Mail Date: 04/21/2010

Applicant	: Thuya Aung	: DECISION ON REQUEST FOR
Patent Number	: 7647789	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/653,622	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/15/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
SUITE 3300
MILWAUKEE WI 53202

In re Application of :
Peer, et al. :
Application No. 11/653,630 :
Filed: January 16, 2007 :
Attorney Docket No. 027298-9076-02 :

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed September 17, 2007.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioner has demonstrated that inventor Wang has refused to sign the declaration after having been presented with the application papers. Specifically, petitioner has supplied a copy of Wang's written express refusal to sign.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the last known address provided on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC 0 5 2007

OFFICE OF PETITIONS

LINGZHI WANG
4057 PRIMROSE DR
ALLENTOWN PA 18104

In re Application of
David James Peer, Lingzhi Wang
Application No. 11/653,630
Filed: January 16, 2007
Title: Closure Device for a Turbomachine Casing

LETTER

Dear Mr. Wang:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/21/2010

Applicant	: Hsin-Yuan Lai	: DECISION ON REQUEST FOR
Patent Number	: 7607855	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/653,631	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **23** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MILTON ROBERT KESTENBAUM
(a.k.a. ROBERT KESTENBAUM)
11011 BERMUDA NE
ALBUQUERQUE NM 87111

In re Application of	:	
Robert F. BEAVERS	:	
Application No. 11/653,633	:	DECISION ON PETITION
Filed: January 16, 2007	:	
Attorney Docket No. RFB-1	:	

This is a decision on the petition, filed May 18, 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 **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the non-final Office action mailed October 16, 2008, which set a three (3) month shortened statutory period for reply. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned on January 17, 2009.

Petitioner asserts that a proper response to the Office action dated October 16, 2008, including a three month extension of time was mailed to the office in a timely manner. Petitioner has provided the Office with a copy of a post card with a Certificate of Mailing dated April 16, 2009. However, the post card did not provide a receipt date from the Office. A review of the Office records indicates that there is no sufficient evidence that the response was filed in a timely manner.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555.00 extension of time fee submitted with the petition on May 18, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay

was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810.00 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile:
(571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

Thurman Page
Petitions Examiner
Office of Petitions

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MILLIPORE CORPORATION
290 CONCORD ROAD
BILLERICA MA 01821

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In re Application of	:	
Robert F. BEAVERS	:	
Application No. 11/653,633	:	DECISION ON PETITION
Filed: January 16, 2007	:	
Attorney Docket No. RFB-1	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed October 16, 2008, which set a three (3) month shortened statutory period for reply. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned on January 17, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of $810.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of October 16, 2008 is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555.00 extension of time fee submitted with the petition on October 13, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

The application file is being referred to Technology Center AU 3711 for appropriate action on the concurrently filed amendment.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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Innovation Counsel LLP
21771 Stevens Creek Blvd
Ste. 200A
Cupertino CA 95014

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OFFICE OF PETITIONS

In re Application of	:	
Sung-Jin Kim, et al.	:	
Application No. 11/653,659	:	DECISION GRANTING PETITION
Filed: January 12, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. PANK02150 US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, April 1, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 18, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2814 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the information disclosure statement filed March 22, 2010.

Terri Johnson
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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KENNETH R. GLASER
GARDERE WYNNE SEWELL LLP, IP SECTION
3000 THANKSGIVING TOWER
1601 ELM STREET, SUITE 3000
DALLAS, TX 75201

Mail Date: 04/21/2010

Applicant	: Nancy A. Ross	: DECISION ON REQUEST FOR
Patent Number	: 7594643	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/653,703	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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2790 COLUMBUS ROAD
GRANVILLE OH 43023

In re Application of :

MILLIGAN, Franklin :
Application No. 11/653,744 :
Filed: January 16, 2007 :
Attorney Docket No. **25706B** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 13, 2007.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **FRANK MILLIGAN**
POLYWHEELS MANUFACTURING, LTD.
1455 NORTH SERVICE ROAD EAST
OAKVILLE, ONTARIO, CANADA L6H 1A7

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OFFICE OF PETITIONS

In re Application of :

MILLIGAN, Franklin :
Application No. 11/653,744 : DECISION ON PETITION
Filed: January 16, 2007 : TO WITHDRAW
Attorney Docket No. **25706B** : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 21, 2008.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request does not meet any of the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: FRANK MILLIGAN
POLYWHEELS MANUFACTURING LTD
1455 NORTH SERVICE ROAD EAST
OAKVILLE, ONTARIO L6H 1A7
CANADA

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OFFICE OF PETITIONS

In re Application of :

MILLIGAN, et al. :
Application No. 11/653,744 : DECISION ON PETITION TO
Filed: January 16, 2007 : WITHDRAW FROM RECORD
Attorney Docket No. 25706B :

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 13, 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 Margaret Millikin on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: FRANKLIN MILLIGAN
4251 LAKESHORE ROAD
BURLINGTON, ONTARIO
CANADA

cc: POLYWHEELS MANUFACTURING LTD
1455 NORTH SERVICE ROAD EAST
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Huawei Technologies Co., Ltd.
c/o LEASON ELLIS
81 Main Street, Suite 503
White Plains, NY 10601

Mail Date: 04/30/2010

Applicant	: Zhenbin Li	: DECISION ON REQUEST FOR
Patent Number	: 7633860	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/653,747	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **420** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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REISING, ETHINGTON, BARNES, KISSELLE, P.C.
P.O. BOX 4390
TROY, MI 48099-4390

Mail Date: 04/21/2010

Applicant	: John M. Shingle	: DECISION ON REQUEST FOR
Patent Number	: 7628283	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/653,749	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **348** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OSRAM SYLVANIA INC
100 ENDICOTT STREET
DANVERS, MA 01923

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OFFICE OF PETITIONS

In re Application of :
Thomas Tessnow :
Application No. 11/653,752 : DECISION ON PETITION
Filed: January 16, 2007 :
Attorney Docket No. 2006P19411US :

This is a decision on the petition, filed December 7, 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 28, 2009, which set a three (3) month period for reply. No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, a reply was due on or before July 30, 2009.

Petitioner states that a timely reply was mailed via certificate of mailing on July 6, 2009, which includes the amendment. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated July 6, 2009, which would have rendered the reply timely if received.

The file record does not include the originally submitted paper. 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 April 28, 2009 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 (or transmitted by facsimile) July 6, 2009.

This application is being referred to Technology Center AU 2826 for appropriate action in the normal course of business on the reply received with petition.

Irvin Dingle
Petitions Examiner
Office of Petitions

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/21/2010

Applicant	: Raymond V. Heelan JR.	: DECISION ON REQUEST FOR
Patent Number	: 7578496	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/653,767	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **280** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK NJ 07601

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OFFICE OF PETITIONS

In re Application of :
Richard Polevoy et al :
Application No. 11/653,793 : DECISION GRANTING PETITION
Filed: January 16, 2007 :
Attorney Docket No. 2340-1-008CON1 :

This is a decision on the petition filed April 16, 2007, which is being treated under 37 CFR 1.53(e), stating that page 19 of the specification was present on filing of the above-identified application.

The petition is **granted**.

The application was deposited on January 16, 2007. However, on February 12, 2007, the Office of Initial Patent Examination Division mailed a "Notice To File Missing Parts Of Nonprovisional Application," stating that page nineteen (19) of the specification (description and claims) was omitted from the application on filing.

In response, on April 16, 2007, the instant petition and a copy of page nineteen (19) of the specification were submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of twenty-three (23) pages of the specification on January 16, 2007. A review of the application file indicates the presence of only twenty-two (22) pages of the specification with page nineteen (19) missing.

MPEP 503 states that "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, the evidence supports the fact that twenty-three (23) pages of the specification were in fact present on filing.

Since page nineteen (19) of the specification cannot be located in the Office, the copy of page nineteen (19) supplied on April 16, 2007 will be used for processing and examination purposes.

This matter is being referred to the Office of Initial Patent Examination Division for processing with a filing date of **January 16, 2007**, and for an indication that page nineteen (19) of the specification was included on filing and for mailing of a corrected filing receipt.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Paper No.

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DEMPSEY L.L.P.
1 MARITIME PLAZA, SUITE 300
SAN FRANCISCO CA 94111

COPY MAILED

JUL 17 2007

OFFICE OF PETITIONS

In re Application of :
Ookubo et al. :
Application No. 11/653,808 : DECISION ON PETITION
Filed: January 12, 2007 :
Atty Docket No. 38915.78 :

This is a decision on the "PETITION UNDER 37 CFR §1.10(c)," filed April 11, 2007, requesting that the above-identified application be accorded a filing date of January 12, 2007, rather than the presently accorded filing date of January 16, 2007.

Petitioner maintains that on January 12, 2007, the application was deposited with the U.S. Postal Service (USPS) in accordance with § 1.10(a). In support thereof, applicant submits a true copy of the Express Mail mailing label used.

Paragraph (a) of 37 CFR 1.10 states that:

> Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.
>
> (1) Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS.

> (2) The date of deposit with USPS is shown by the "date-in" on the "Express Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).

Paragraph (c) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
>
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

The instant petition was filed promptly within the meaning of § 1.10(c)(1). A review of the application papers presently accorded a filing date of January 16, 2007, reveals that "Express Mail" mailing label No. EV889013605US was placed on the application transmittal identifying the papers presently accorded a filing date of January 16, 2007, prior to the original mailing.

Further, the petition includes a copy of the "Express Mail Post Office to Addressee" mailing label. However, the handwritten "date-in" thereon is not entirely legible. It appears to say "011207." Nonetheless, the label clearly bears a USPS date-

stamp of January 12, 2007. Moreover, a review of the Official record of the USPS, the Track & Confirm record for this "Express Mail" package submitted by petitioner reveals that the USPS considered the package accepted at 5:01 pm on January 12, 2007. This evidence is persuasive that the application was deposited in the Express Mail post office to addressee service of the USPS on January 12, 2007.

In view thereof, the petition is **GRANTED**.

No petition fee is required and none has been charged.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application is, thereby, forwarded to OIPE for **correction of the filing date to January 12, 2007** and **issuance of a corrected filing receipt**.

Telephone inquires related to this decision may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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PCE INDUSTRY, INC.
ATT. Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

Mail Date: 04/21/2010

Applicant	: Nan-Tsung Huang	: DECISION ON REQUEST FOR
Patent Number	: 7657026	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/653,825	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **300** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/653,827	01/16/2007	Bernhard Dehmer	20040089-02	5933

7590 11/30/2009

AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

EXAMINER	
KUNEMUND, ROBERT M	
ART UNIT	**PAPER NUMBER**
1792	
NOTIFICATION DATE	**DELIVERY MODE**
11/30/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 11/25/2009 NFARMER
01/18/2007 JBALINAN 00000029 501078 11653827
02 FC:1111 500.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 15 2007

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Rudolf E. Hutz, Esq.
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P.O. Box 2207
Wilmington, Delaware 19899

In re application of	:
Bruce Roth	:
Serial No.: 11/653,830	: PETITION DECISION
Filed: January 16, 2007	:
Attorney Docket No.: 00121-00478-USRE	:

This is in response to the petition under 37 CFR 1.181(a) or 1.182, filed August 24, 2007, requesting entry of a second protest in this reissue application. As the petition seeks to invoke the next level of supervisory authority above the Special Programs Examiner, the petition is properly decided by the Group Director.

BACKGROUND

A review of the file history shows that this application is a reissue application from US Patent 5,273,995 and received a first protest on May 21, 2007, which was considered and commented upon by the examiner in the first action on the merits, mailed August 16, 2007. The second protest was filed August 24, 2007 alleging a new issue. The second protest was denied entry by the Special Program Examiner and the cover sheet and reasons for denial of entry were posted in eDAN and Public PAIR. The instant petition requesting entry of the second protest was filed on September 24, 2007.

DISCUSSION

Protests by the public against pending applications, including reissue applications, are governed by 37 CFR 1.291; second or subsequent protests by the same party in interest as the first protest are governed by section (c)(5). Further, MPEP 1901.07(a) entitled Filing of Multiple Papers Relating to Same Issues states, "[A]n examiner will consider a second or subsequent protest filed on behalf of the same real party in interest (subject to the time frames set forth in 37 CFR 1.291(b), the caveat that the protest can be timely matched and considered prior to the issuance of the patent, and the content requirements of 37 CFR 1.291(c)(1) to (4)), if the second or subsequent protest complies with 37 CFR 1.291(c)(5).

There appears to be no question that Petitioner has complied with the requirements of 37 CFR 1.291 (a) – (c)(4). The remaining issue is whether Petitioner has complied with 37 CFR 1.291(c)(5) as well. The issue raised by the protest is that Examiner improperly relied on the Roth declaration even though the applicant had disavowed the data presented in the declaration. Petitioner explains that he could not have anticipated that the Examiner would rely on data that had been disavowed and, thus, this issue could not have been raised in the first protest. This argument has merit.

Therefore, since the second protest meets the criteria for entry into the application it should be so entered.

DECISION

The petition is **GRANTED**.

The application will be forwarded to the examiner for consideration of the second protest. The propriety of consideration of the Roth declaration will be reevaluated by the Examiner after determining whether Applicant actually disavowed the data.

Should there be any questions about this decision please contact Robert A. Wax, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0623 or by facsimile sent to the general Office facsimile number, 571-273-8300.

John L. LeGuyader
Director, Technology Center 1600

Cc: Joseph M. Reismann
KNOBBE, MARTENS, OLSON & BEAR, LLP
550 W C ST STE 1200
SAN DIEGO, CA 92101

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CONNOLLY BOVE LODGE & HUTZ LLP
1007 NORTH ORANGE STREET
WILMINGTON, DE 19801

In re Application of	:	
Bruce D. Roth	:	
Serial No.: 11/653,830	:	PETITION DECISION
Filed: January 16, 2007	:	
Attorney Docket No.: 00121-00478-USRE (PATENT)	:	

This is a decision on applicants' request for a one month Extension of Time under 37 CFR 1.136(b) filed on May 5, 2008.

The Request is **GRANTED**.

Patent Owner's due date for filing a reply to the Office action mailed April 24, 2008, is extended by ONE MONTH to June 24, 2008.

Robert A. Wax
TQAS Appeals Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/653,870	01/17/2007	Seon-Soo Rue	P58028	6772

7590 03/13/2009

ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
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WASHINGTON, DC 20006-1004

EXAMINER	
TROST IV, WILLIAM GEORGE	

ART UNIT	PAPER NUMBER
2416	

MAIL DATE	DELIVERY MODE
03/13/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
03/16/2009 NFARMER 0000166504

CHECK Refund Total: $1100.00

Adjustment date: 03/16/2009 NFARMER
01/18/2007 CNGUYEN2 00000075 11653870
02 FC:1111 -500.00 OP
04 FC:1201 -600.00 OP

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of
KIM, TAE HUN, et al.
Application No. 11/653,873
Filed: January 17, 2007
Attorney Docket No. 0465-1681PUS1

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed January 28, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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c/o Stites & Harbison PLLC
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Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Takashi Kitayama	: DECISION ON REQUEST FOR
Patent Number	: 7603538	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/653,880	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/17/2007	: 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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MICHAEL P. MORRIS
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900 RIDGEBURY RD
P O BOX 368
RIDGEFIELD CT 06877-0368

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AUG 10 2007

OFFICE OF PETITIONS

In re Application of	:	
Bechtold-Peters et al.	:	
Application No. 11/653887	:	
Application Received: 01/17/2007	:	
Attorney Docket Number:	:	DECISION
BIC-1197-C2	:	ON PETITION

This is a decision on the "Response to Notice of Incomplete Provisional Application and Petition Under to 37 C.F.R. §1.57(A) to add Inadvertently Omitted Material," filed April 18, 2007, in response to a Notice of Incomplete Provisional Application, requesting the above-identified application be accorded a filing date of January 17, 2007, including drawings, based upon a priority claim for the benefit of prior-filed U.S. applications.

The petition is dismissed.

Background

Application papers were deposited in the above-identified application on January 17, 2007. On March 6, 2007, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the present petition and requests inclusion of the inadvertently omitted material (drawings) in accordance with 37 CFR 1.57(a), based upon a priority claim to a prior-filed application 10/085,972, said claim appearing in the declaration filed with the application, and application 11/093,491, said priority claim appearing in the Application Transmittal papers filed with the application.

Applicant's Priority Claim

A review of Office records and the application file reveals that the claim for priority to applications 11/093,491, and 10/085,972 were not set forth in the specification. However, Office records reveal that this office picked-up the priority claim in this application, to application 11/093,491, which is a continuation of application 10/085,972.

Applicable Law, Rules and MPEP

Petition under 37 CFR 1.57(a)

37 CFR § 1.57, Incorporation by reference, states:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s). (Emphasis supplied).

Priority claim under 37 CFR 1.78

37 CFR § 1.78(a)(2)(iii) states: "If the later-filed application is a nonprovisional application, the reference required by this paragraph must be included in an application data sheet (§ 1.76), or the specification must contain or be amended to contain such reference in the first sentence(s) following the title."

The MPEP 201.11A, Reference to Prior Nonprovisional Applications, also admonishes

> When a nonprovisional application (other than a CPA) is entitled under 35 U.S.C. 120 to an earlier U.S. effective filing date, a statement such as "This is a divisional (or continuation, or continuation-in-part, as appropriate) application of Application No. ---, filed ---" should appear as the first sentence(s) of the specification or in an application data sheet, except in the case of design applications where it should appear as set forth in MPEP § 1504.20. (Emphasis supplied).

Analysis

In this instance, the Office noted the claim for priority, even though it did not appear in the ADS or specification. Where a claim for priority under 37 CFR §§ 1.78(a)(3) and 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 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii).

However, 37 CFR 1.57 as drafted requires a claim under 37 CFR 1.78 (or a claim under 37 CFR 1.55) that was present on the filing date to be considered an incorporation by reference of the prior-filed application as to inadvertently omitted portion. (Emphasis supplied).

In this instance, the priority claim for applications 11/093,491, and 10/085,972 were not set forth in the specification, nor were they included in an Application Data Sheet ("ADS"). As such, the priority claims failed to comply with 37 CFR 1.78, and incorporation under 37 CFR 1.57(a) is not available.

Conclusion

Applicant failed to comply with 37 CFR 1.78, and include with the application papers filed on January 17, 2007, the specific reference required in an application data sheet, or the specification, accordingly, incorporation by reference under 37 CFR 1.57(a) is not appropriate.

Alternate Relief

A review of office records reveals that Applicant made a proper foreign priority claim under 37 CFR 1.55 to Application GB 01 07 106.7. Assuming, arguendo, that drawings are present in the foreign application, Applicant may file a renewed petition under 37 CFR 1.57 to include any drawings therein.

Telephone inquiries concerning this matter should be directed Attorney Derek Woods at (571) 272-3232.

Charles Pearson
Director
Office of Petitions

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P O BOX 368
RIDGEFIELD CT 06877-0368

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OFFICE OF PETITIONS

In re Application of	:	
Bechtold-Peters et al.	:	
Application No. 11/653887	:	
Application Received: 01/17/2007	:	
Attorney Docket Number:	:	DECISION
BIC-1197-C2	:	ON PETITION

This is a decision on the "Renewed Petition Under 37 C.F.R. §1.57(A) to add Inadvertently Omitted Material and Response to Notice of Incomplete Provisional Application," filed August 27, 2007, requesting the above-identified application be accorded a filing date of January 17, 2007, including drawings, based upon a priority claim for the benefit of a prior-filed foreign application.

The petition is granted.

Background

Application papers were deposited in the above-identified application on January 17, 2007. On March 6, 2007, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant filed a petition on April 18, 2007, and requested inclusion of the inadvertently omitted material (drawings) in accordance with 37 CFR 1.57(a), based upon a priority claim to a prior-filed application 10/085,972, said priority claim appearing in the declaration filed with the application, and application 11/093,491, said priority claim appearing in the Application Transmittal papers filed with the application.

The petition was dismissed in a Decision mailed August 10, 2007. The Decision noted that a review of Office records and the application file had revealed that the claim for priority to applications 11/093,491, and 10/085,972 were not set forth in the specification, nor were they included in an Application Data Sheet ("ADS"). As such, the priority claims failed to comply with 37 CFR 1.78, and incorporation of the nonprovisional applications under 37 CFR 1.57(a) was not available.

The Decision also noted that a review of Office records also revealed that Applicant made a proper foreign priority claim under 37 CFR 1.55 to Application GB 01 07 106.7. Assuming, arguendo, that drawings were present in the foreign application, Applicant was advised that he may file a renewed petition under 37 CFR 1.57(a) to include any drawings therein based upon the foreign priority claim.

The present renewed petition

Applicant files the present renewed petition and requests the above-identified application be accorded a filing date of January 17, 2007, including drawings, based upon a priority claim for the benefit of prior-filed foreign application GB 107106.1. A copy of the priority document is included with the renewed petition.

Applicable Law, Rules and MPEP

Petition under 37 CFR 1.57(a)

37 CFR § 1.57, Incorporation by reference, states:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s). (Emphasis supplied).

Priority claim under 37 CFR 1.55

37 CFR § 1.55, Claim for foreign priority, states:

> (a) An applicant in a nonprovisional application may claim the benefit of the filing date of one or more prior foreign applications under the conditions specified in 35 U.S.C. 119(a) through (d) and (f), 172, and 365(a) and (b).

(1) (i) In an original application filed under 35 U.S.C. 111(a), the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. This time period is not extendable. The claim must identify the foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by specifying the application number, country (or intellectual property authority), day, month, and year of its filing. The time periods in this paragraph do not apply in an application under 35 U.S.C. 111(a) if the application is:
(A) A design application; or
(B) An application filed before November 29, 2000.
(ii) In an application that entered the national stage from an international application after compliance with 35 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the PCT and the Regulations under the PCT.
(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

Analysis

Applicant has included a proper priority claim to foreign application GB 01 07 106.7 in the oath/declaration filed with the application papers on January 17, 2007. A review of the copy of foreign application GB 01 07 106.7 filed with the present petition reveal that the application contains drawing figures. Therefore, based upon applicant's incorporation by reference of the contents of the foreign application on filing of the present application, a filing date of January 17, 2007, including drawings, may be accorded the present application. Receipt of the preliminary amendment filed with the present renewed petition is hereby acknowledged.

Conclusion

This application is being forwarded to the Office of Patent Application Processing for further processing, with the filing date of January 17, 2007, using the application papers present on that date, including a copy of the drawings filed August 27, 2007 from foreign application GB 01 07 106.7, filed March 21, 2001.

Telephone inquiries concerning this matter should be directed to Attorney Derek Woods at (571) 272-3232.

Charles Pearson
Director
Office of Petitions

ORIGINAL DISMISSAL

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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MICHAEL P. MORRIS
BOEHRINGER INGELHEIM CORPORATION
900 RIDGEBURY RD
P O BOX 368
RIDGEFIELD CT 06877-0368

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AUG 1 0 2007

OFFICE OF PETITIONS

In re Application of	:	
Bechtold-Peters et al.	:	
Application No. 11/653887	:	
Application Received: 01/17/2007	:	
Attorney Docket Number:	:	DECISION
BIC-1197-C2	:	ON PETITION

This is a decision on the "Response to Notice of Incomplete Provisional Application and Petition Under to 37 C.F.R. §1.57(A) to add Inadvertently Omitted Material," filed April 18, 2007, in response to a Notice of Incomplete Provisional Application, requesting the above-identified application be accorded a filing date of January 17, 2007, including drawings, based upon a priority claim for the benefit of prior-filed U.S. applications.

The petition is dismissed.

Background

Application papers were deposited in the above-identified application on January 17, 2007. On March 6, 2007, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the present petition and requests inclusion of the inadvertently omitted material (drawings) in accordance with 37 CFR 1.57(a), based upon a priority claim to a prior-filed application 10/085,972, said claim appearing in the declaration filed with the application, and application 11/093,491, said priority claim appearing in the Application Transmittal papers filed with the application.

Applicant's Priority Claim

A review of Office records and the application file reveals that the claim for priority to applications 11/093,491, and 10/085,972 were not set forth in the specification. However, Office records reveal that this office picked-up the priority claim in this application, to application 11/093,491, which is a continuation of application 10/085,972.

Applicable Law, Rules and MPEP

Petition under 37 CFR 1.57(a)

37 CFR § 1.57, Incorporation by reference, states:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s). (Emphasis supplied).

Priority claim under 37 CFR 1.78

37 CFR § 1.78(a)(2)(iii) states: "If the later-filed application is a nonprovisional application, the reference required by this paragraph must be included in an application data sheet (§ 1.76), or the specification must contain or be amended to contain such reference in the first sentence(s) following the title."

The MPEP 201.11A, Reference to Prior Nonprovisional Applications, also admonishes

> When a nonprovisional application (other than a CPA) is entitled under 35 U.S.C. 120 to an earlier U.S. effective filing date, a statement such as "This is a divisional (or continuation, or continuation-in-part, as appropriate) application of Application No. ---, filed ---" should appear as the first sentence(s) of the specification or in an application data sheet, except in the case of design applications where it should appear as set forth in MPEP § 1504.20. (Emphasis supplied).

Analysis

In this instance, the Office noted the claim for priority, even though it did not appear in the ADS or specification. Where a claim for priority under 37 CFR §§ 1.78(a)(3) and 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 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii).

However, 37 CFR 1.57 as drafted requires a claim under 37 CFR 1.78 (or a claim under 37 CFR 1.55) that was present on the filing date to be considered an incorporation by reference of the prior-filed application as to inadvertently omitted portion. (Emphasis supplied).

In this instance, the priority claim for applications 11/093,491, and 10/085,972 were not set forth in the specification, nor were they included in an Application Data Sheet ("ADS"). As such, the priority claims failed to comply with 37 CFR 1.78, and incorporation under 37 CFR 1.57(a) is not available.

Conclusion

Applicant failed to comply with 37 CFR 1.78, and include with the application papers filed on January 17, 2007, the specific reference required in an application data sheet, or the specification, accordingly, incorporation by reference under 37 CFR 1.57(a) is not appropriate.

Alternate Relief

A review of office records reveals that Applicant made a proper foreign priority claim under 37 CFR 1.55 to Application GB 01 07 106.7. Assuming, arguendo, that drawings are present in the foreign application, Applicant may file a renewed petition under 37 CFR 1.57 to include any drawings therein.

Telephone inquiries concerning this matter should be directed Attorney Derek Woods at (571) 272-3232.

Charles Pearson
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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FORD GLOBAL TECHNOLOGIES
C/O MOFO NOVA
1650 TYSONS BLVD.
SUITE 300
MCLEAN, VA 22102

MAILED

JAN 30 2009

OFFICE OF PETITIONS

In re Application of :
Jim Chern :
Application No. 11/653,906 : DECISION ON PETITION
Filed: January 17, 2007 : TO WITHDRAW
Attorney Docket No. 81150762 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 22, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Ford Global Technologies, C/o MOFO NOVA has been revoked by the assignee of the patent application on December 11, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: O'BRIEN JONES, PLLC
W/FORD MOTOR CO.
8200 GREENSBORO DRIVE
SUITE 1020A
MCLEAN, VA 22102

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 2 9 2010

OFFICE OF PETITIONS

Fujitsu Patent Center
C/O CPA Global
P.O. Box 52050
Minneapolis MN 55402

In re Application of

Morita, et al.

Application No. 11/653,909

Filed: January 17, 2007

Attorney Docket No. **06-4044**

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), February 23, 2010, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely file corrected drawings as required by the Notice of Allowability (the "Notice") mailed October 20, 2009. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on January 21, 2010. A Notice of Abandonment was mailed on February 23, 2010.

Corrected drawings were received on February 23, 2010.

The application is being forwarded to the Office of Data Management for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH VA 22041

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APR 0 1 2008

OFFICE OF PETITIONS

In re Application of :
William A. Sims et al. :
Application No. 11/653,922 : DECISION ON PETITION
Filed: January 17, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. BHT-3284-2 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 17, 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 2872 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/653,936	01/17/2007	Yo-da Shin	52826	6120

7590 02/27/2009

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER	
CHAPMAN, MARK A	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
02/27/2009	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

Refund Ref:
03/02/2009 BPOWELL 0000166317

CHECK Refund Total: $650.00

Adjustment date: 03/02/2009 BPOWELL
01/18/2007 LWONDIM1 00000014 11653936
02 FC:1111 -500.00 OP
04 FC:1202 -150.00 OP

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ExxonMobil Research & Engineering
Company
P.O. Box 900
1545 Route 22 East
Annandale NJ 08801-0900

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In re Application of

Hyde, et al.

Application No. 11/653,967

Filed: January 17, 2007

Attorney Docket No. P2003J046-US2

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed November 4, 2008.

Te petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on July 4, 2008, as it was believed that a proper response was not received to the non-final Office action mailed April 3, 2008. A Notice of Abandonment was mailed on October 15, 2008.

The instant petition maintains that a proper response was timely filed on July 1, 2008. A review of the Office records reveals that the response filed July 1, 2008, was placed in application file 10/653,967, as was the petition because petitioner is citing an incorrect application number on the documents. There were, however, other correct identifiers which would have allowed the Office to direct the response and petition to the correct application. The evidence is convincing that a response to the non-final Office action was timely received and routed to an incorrect application. Because a response was filed with the Office prior to the expiration of the period for reply, the petition is granted and the holding of abandonment withdrawn.

The application file is being forwarded Technology Center 3600, GAU 3633, for further processing.

Questions regarding 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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/653,969	01/17/2007	Ji-yeon Lee	0007.1062	7272

49455 7590 01/17/2008

STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER	
KOONTZ, TAMMY J	

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
01/17/2008	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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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/653,969	01/17/2007	Ji-yeon Lee	0007.1062	7272

7590 01/17/2008

STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER	
KOONTZ, TAMMY J	

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
01/17/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Ricardo Ramos

Patent Publication Branch
Office of Data Management

02 FC:1111 -500.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/653,970	01/17/2007	Sung-shik Baik	0006.1066

STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON DC 20005

DATE MAILED: September 27, 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 September 14, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

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DW Jul-07

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

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JUL 05 2007

OFFICE OF PETITIONS

In re Application of :
Rains et al. :
Application No. 11/653982 : DECISION DISMISSING PETITION
Filed: 01/17/2007 :
Atty Docket No. 049480-0080 :

This is a decision in reference to the "RESPONSE TO NOTICE OF OMITTED ITEMS IN NON-PROVISIONAL APPLICATION AND PETITION FOR FILING DATE AND/OR PRELIMINARY AMENDMENT" filed on 22 March, 2007, requesting that the above-identified application be accorded a filing date of 17 January, 2007, with Figures 14-18 described in the specification as a part of the original disclosure.

The petition is dismissed.

On 17 January, 2007, the application was filed.

Accordingly, on 20 February, 2007, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) In a Nonprovisional Application" stating that the application had been accorded a filing date of 17 January, 2007, but that Figures 14-18 described in the specification appeared to have been omitted.

In response, on 22 March, the present petition and a copy of two (2) sheets of drawings containing Figures 14, 15, 16, 17, and 18 (hereinafter "Figures 14-18") were filed.

Petitioners apparently concede that Figures 14-18 were missing from the drawings as filed, but argue that the omitted figures should be accepted as present on 17 January, 2007, because they do not contain new matter.

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 sheets of drawings containing Figures 14-18 were deposited on 17 January, 2007, nor request the 22 March, 2007 (the date the sheets of drawings containing Figures 14-18 were supplied), filing date.

As Figures 14-18 were not present among the drawing figures deposited on 17 January, 2007, the application cannot be accorded a filing date of 17 January, 2007, with the sheets of drawings containing Figures 14-18 as a part of the original disclosure. Still further, the question of new matter is not an issue here: Figures 14-18 simply were not filed in the USPTO on 17 January, 2007.

With regard to petitioners' request in the alternative that Figures 14-18 be considered as a preliminary amendment, petitioners should file a preliminary amendment requesting entry of those figures prior to the first Office action on the merits. If Figures 14-18 are filed as a preliminary amendment, it will be reviewed by the examiner for new matter.

As the Notice mailed on 20 February, 2007, properly stated that Figures 14-18 *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 two (2) sheets of drawings containing Figures 14-18 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.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

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NOV 0 5 2009

OFFICE OF PETITIONS

In re Application of :
Tien -Chung Huang :
Application No. 11/653,993 : DECISION ON PETITION
Filed: January 17, 2007 :
Attorney Docket No. HUAN3486/JJC/JS :

This is a decision on the petition under 37 CFR 1.182, filed, September 25, 2009, to change the name of inventor "T.C. Huang" to -- Tien-Chung Huang --.

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.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Any questions concerning this matter may be directed to JoAnne Burke at (571) 272-4584. 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 2834 for the normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/653,993	01/17/2007	2834	800	HUAN3486/JJC/JS	6	1

CONFIRMATION NO. 7393

CORRECTED FILING RECEIPT

23364
BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Date Mailed: 11/05/2009

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)

Tien-Chung Huang, Changhua County, TAIWAN;

Assignment For Published Patent Application

TRICORE CORPORATION, CHANG HUA, TAIWAN

Power of Attorney:

J Kenney--19179
Eugene Mar--25893
Richard Fichter--26382
Joseph De Benedictis--28502
Thomas Moore--28974
Benjamin Urcia--33805

Domestic Priority data as claimed by applicant

Foreign Applications

TAIWAN 95201051 01/17/2006

If Required, Foreign Filing License Granted: 02/16/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/653,993**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

STEP MOTOR FOR A DRIVING MECHANISM OF CAMERA

Preliminary Class

310

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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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 07/06/2010

Applicant	: Tien-Chung Huang	: DECISION ON REQUEST FOR
Patent Number	: 7638907	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/653,993	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/17/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **242** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

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SEP 0 4 2009

OFFICE OF PETITIONS

In re Application of

Rebecca A. Walton, et al.
Application No. 11/654,009
Filed: January 17, 2007
Attorney Docket No. **8588-000005/US/01**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 26, 2009.

The request is **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 Terry L. Clark on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

The application became abandoned for failure to timely respond to the Final Office action mailed December 2, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **REBECCA A. WALTON**
205 NATA
NEWPORT BEACH, CA 92660

cc: **GORDON & GORDON**
17145 VON KARMAN, SUITE 105
IRVINE, CA 92614

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ACCENTURE, LLP
C/O HOGAN & HARTSON, LLP (IPGROUP)
555 13TH STREET NW, SUITE 600E
WASHINGTON DC 20004

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of :
Myers, et al. : DECISION REFUSING STATUS
Application No. 11/654,024 : UNDER 37 CFR 1.47(a)
Filed: January 17, 2007 :
Atty. Dkt. No.: 86769-0088 :
For: PLATFORM FOR INTEROPERABLE :
HEALTHCARE DATA EXCHANGE :

This decision is in response to the petition under 37 CFR 1.47(a) filed May 14, 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 January 17, 2007 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed February 12, 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 requirement (2) set forth above. 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 not acceptable because it fails to set forth the citizenship and residence of inventor S. D. Myers. Further, the residence of inventor J.S. Celi is not stated. Further, the address of inventor J.S. Celi is not legible as set forth on the declaration. There is no indication in the record that the address of inventor J.S. Celi or the residence of inventor S.D. Myers has been presented by way of application datasheet under 37 CFR 1.76.

Any renewed petition should be accompanied by a proper oath or declaration.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand:	U.S. U.S. Patent and Trademark Office Customer Service Window Mail Stop Petition Randolph Building 401 Dulaney Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

ACCENTURE, LLP
C/O HOGAN & HARTSON, LLP (IPGROUP)
555 13TH STREET NW, SUITE 600E
WASHINGTON DC 20004

In re Application of :
Myers, et al. : DECISION REFUSING STATUS
Application No. 11/654,024 : UNDER 37 CFR 1.47(a)
Filed: January 17, 2007 :
Atty. Dkt. No.: 86769-0088 :
For: PLATFORM FOR INTEROPERABLE :
HEALTHCARE DATA EXCHANGE :

The above-identified application has been forwarded to the Office of Petitions for consideration of the "RESPONSE TO THE NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)." This matter is being treated as a request for reconsideration under 37 CFR 1.47(a) filed August 13, 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 January 17, 2007 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed February 12, 2007. The Notice required a surcharge and an executed oath or declaration. A petition under 37 CFR 1.47(a) was filed May 14, 2007 and dismissed June 21, 2007.

Petitioners now assert that the previously unavailable inventor has executed the required declaration. Petitioners have submitted, *inter alia*, a declaration and an application datasheet (ADS).

The declaration has been carefully reviewed and found unacceptable. The declaration is unacceptable because Scott Myers has not executed the declaration. The previous declaration though executed by Scott Myers was unacceptable as Mr. Myers failed to indicate his citizenship. The instant declaration, while it indicates Mr. Myers citizenship, has not been executed by Mr. Myers, thus, it is not acceptable.

The ADS submitted is not acceptable because is not properly titled "Supplemental Application Datasheet" in accordance with 37 CFR 1.76(c)(2). If no ADS was originally filed, but applicant wants to submit an ADS to correct, modify, or augment the original application data, the ADS, even though it is the first-filed ADS, must be titled "Supplemental Application Data Sheet." *See*, MPEP 601.05. Further to this point, applicants are reminded that the existing text of an Office form, other than a certification statement, may be modified, deleted, or added to, if all text identifying the form as an Office form is removed.

Any renewed petition should be accompanied by a properly executed oath or declaration and, if desired, a proper supplemental ADS.

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:
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Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulaney Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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EVA ALEXANDRA ANWYL-DAVIES DAG
0848 COUNTY ROAD 106
CARBONDALE, CO 81623

MAILED

MAY 03 2010

OFFICE OF PETITIONS

In re Application of :
Stefan Albrecht Dag :
Application No. 11/654,044 : ON PETITION
Filed: January 17, 2007 :
Attorney Docket No. N/A :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 19, 2010, to revive the above-identified application.

The petition is **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 Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks items (1) and (2).

With respect to item (1), the application became abandoned for failure to timely file a proper reply within the meaning of 37 CFR 1.113 to the final Office action mailed January 8, 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 (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Since the amendment submitted on January 19, 2010,
does not *prima facie* place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b). A courtesy copy of the Advisory Action is being mailed with this decision on petition.

With respect to item (2), finance records show that petitioner submitted $100 on January 19, 2010. However, the petition fee required is $810 (small entity). Therefore, the fee deficiency of $710 must be submitted before revival can occur.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Courtesy Copy of the Advisory Action

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 11/654,044	**Applicant(s)** DAG, STEFAN ALBRECHT	
	Examiner MARY ZETTL	**Art Unit** 2875	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 January 2010 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: *1-3*.
   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: The arguments presented are still not convincing. The applicant has argued that Byers does not teach an enclosed wire race plenum. The examiner disagrees and notes that the claims do not specify a wire race plenum that is enclosed along the entire length. Instead the claims are directed to a race plate and a top plate that create a wire plenum race management as claimed in claim 2. This feature is shown in Figure 2 wherein items 26, 36 and 40 form an enclosure for at least a part of the wire race plenum. While part of the wire may be visible, the claims do not require that the entire wiring is concealed.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

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P.O. BOX 655474, M/S 3999
DALLAS, TX 75265

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SEP 24 2008

In re Application of	:	
Jianbao Wang	:	
Application No. 11/654,049	:	DECISION ON PETITION
Filed: January 17, 2007	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. TI-62175	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed February 11, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

This pending nonprovisional application was filed on January 17, 2007, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/824,208, which was filed on August 31, 2006, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is

included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

The issue fee in this case was paid on March 31, 2008. Therefore, it is conceivable that the application will issue before either the filing or the granting of a renewed petition under 37 C.F.R. §1.78(a)(3). In such case, submission of a certificate of correction (along with the $100 fee) will be required as a condition for granting the petition under 37 C.F.R. §1.78(a)(3).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

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 Irvin Dingle at (571) 272-3210.

David Bucei
Petitions Examiner
Office of Petitions

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TEXAS INSTRUMENTS INCORPORATED
P.O. BOX 655474, M/S 3999
DALLAS, TX 75265

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NOV 25 2008

OFFICE OF PETITIONS

In re Application of :
Jianbao Wang :
Application No. 11/654,049 : DECISION ON PETITION
Filed: January 17, 2007 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. TI-62175 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed October 24, 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 Irvin Dingle at (571) 272-3210. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2838 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.

David Bucci
Petition Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/654,049	01/17/2007	2838	1300	TI-62175	20	3

CONFIRMATION NO. 7061

CORRECTED FILING RECEIPT

23494
TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Date Mailed: 11/24/2008

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)

Jianbao Wang, Tucson, AZ;

Assignment For Published Patent Application

Texas Instruments Incorporated

Power of Attorney: The patent practitioners associated with Customer Number 23494

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/824,208 08/31/2006

Foreign Applications

If Required, Foreign Filing License Granted: 02/10/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/654,049**

Projected Publication Date: 02/12/2009

Non-Publication Request: No

Early Publication Request: No

Title

COMPENSATING NMOS LDO REGULATOR USING AUXILIARY AMPLIFIER

Preliminary Class

323

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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McDERMONT, WILL & EMERY, LLP
18191 VON KARMAN AVENUE
SUITE 500
IRVINE, CA 92612-7108

COPY MAILED

APR 0 4 2008

OFFICE OF PETITIONS

In re Application of

George F. Kick et al.
Application No. 11/654,068
Filed: January 16, 2007
Attorney Docket No. 076960-0026

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 11, 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.

A courtesy copy of this decision is being mailed to applicant at the address noted in the Declaration for Patent Application.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Ellipse Technologies, Inc.
13700 Alton Parkway, Suite 158
Irvine, CA 92618

cc: Vista IP Law Group, LLC
2040 Main Street
9th Floor
Irvine, CA 92614

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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JOHN MICHAEL PETER ARRAN
158 VALLEY ROAD
MEERSBROOK
SHEFFIELD,
SOUTH YORKSHIRE S8 9GA GB
UNITED KINGDOM

COPY MAILED
JAN 20 2010

In re Application of :
John Michael Peter ARRAN :
Application No. 11/654,071 : ON PETITION
Filed: January 17, 2007 :
Attorney Docket No. N/A :

This is in response to the communication, filed august 19, 2009, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

On July 17, 2008, the Office mailed a non-final Office action, which set a three month shortened statutory period to reply. The application became abandoned on October 18, 2008, for failure to submit a timely response to the non-final Office action. On February 02, 2009, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to nonreceipt of the non-final Office action. Specifically, petitioner states that the letter mailed to petitioner on 17th July 2008 was not received. The last communication petitioner received was dated 5th May 2008, to which petitioner replied in a timely manner by letter dated 27th May 2008.

A review of the record indicates no irregularity in the mailing of the non-final Office action, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must

explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the non-final Office action of July 17, 2008, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after July 17, 2008, to demonstrate nonreceipt of the non-final Office action. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to an Office action, and where petitioner would have entered the receipt date of the Office action had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Office action, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the non-final Office action was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after July 17, 2008; the period when he would have received the non-final Office action.

In the present petition, petitioner did not submit any statements, documentary evidence, or an explanation of his method for tracking due dates for filing responses to communications from the USPTO to show he did not receive the non-final Office action. Therefore, the petition to withdraw the holding of abandonment is **dismissed**. A copy of the non-final Office action accompanies this decision for petitioner's convenience.

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
>
> (2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity**;
>
> (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors

Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to Ella Colbert at 571-272-6741 or in her absence, the undersigned at (571) 272-7099.

David A. Bucci
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement; and a copy of the Office action dated July 17, 2008.

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.
11/654,071	01/17/2007	John Michael Peter Arran		8918

7590 07/17/2008

John Arran
25 Carterknowle Road
Sheffield, South Yorkshire, S7 2DW
UNITED KINGDOM

EXAMINER	
STERLING, AMY JO	

ART UNIT	PAPER NUMBER
3632	

MAIL DATE	DELIVERY MODE
07/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	11/654,071	ARRAN, JOHN MICHAEL PETER	
	Examiner	Art Unit	
	AMY J. STERLING	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 June 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,8,9,13,14,16,21-29* is/are pending in the application.

4a) Of the above claim(s) *21 and 23* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,8,9,13,14,16,22 and 24-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This is the first Office Action for application number 11/654,071, CONICAL CAM, filed on 1/17/07. Claims 1-5, 8, 9, 13, 14, 16 and 20-29 are pending.

Election/Restrictions

Claims 6, 7, 10-12, 15 and 17-19 are cancelled from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/2/08.

Claims 21 and 23 are further withdrawn as being drawn to a non-elected species.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in

compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5, 8, 9, 13, 14, 16 and 20-29 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites, "the base edge" and "the walls" and there is a lack of antecedent basis for this limitation.

Claim 13 recites, "the conical camming member" and which has been previously referred to as "the substantially conical camming member" and the terms should match since they have different scopes.

Claim 14 is exactly the same as claim 8 and should be cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8, 9, 13, 14, 16, 22 and 24-29 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6283426 to Guthrie et al.

The patent to Guthrie et al. discloses a device (10) for providing an anchor at various sizes of openings in a surface having a camming member (26) substantially conical in shape (note, the term "substantially conical" is much broader than it would be if the limitation were "conical") the base edge of which forms an arcuate surface (28) such that the slant height is not constant, attachment means (14) whereby a load may be attached to the vertex of the conical member or a base point of the edge of the conical member, whereby the device may be secured between the walls of an opening with a point on the arcuate surface of the camming member in contact with one wall of the opening wherein the conical member is shaped so as to provide one or more additional points of contact with the same side of the surface opening as contacts a point on or about the vertex and to provide one or more additional points of contact with the side of the surface opening opposite to that which contacts a point on or about the vertex and an actuator cable means (12) to assist in the removal of the device from the surface opening when the device is not subject to a load and support means (46) connecting the conical camming member with the attachment means, wherein the actuator means includes spring means (68), one or more members (54) to provide

further points of contact with the walls of the fissure wherein the members include dissimilar conical camming members.

Conclusion

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (Mon-Fri 8am-5:00pm). The fax machine number for the Technology center is 571-273-8300 (formal amendments), informal amendments or communications 571-273-6823. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

/Amy J. Sterling/
Primary Examiner, Art Unit 3632
7/17/08

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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	: Steven K. Brady	: DECISION ON REQUEST FOR
Patent Number	: 7605593	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/654,094	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ERNEST D. BUFF
ERNEST D. BUFF AND ASSOCIATES, LLC.
231 SOMERVILLE ROAD
BEDMINSTER NJ 07921

MAILED

SEP 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Jeffrey J. Fino, et al.	:	
Application No. 11/654,109	:	ON PETITION
Filed: January 17, 2007	:	
Attorney Docket No. 0283-1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 30, 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 timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed December 29, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 30, 2009. The Notice of Abandonment was mailed July 27, 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) (1).

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). The amendment filed herewith petition ***does not*** prima facie place the application in condition for allowance.

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) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

Enclosed: Examiner's Advisory Action PTOL-303

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/654,109	Applicant(s) FINO ET AL.	
	Examiner RAKESH KUMAR	Art Unit 3651	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 July 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 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: _____.

/Gene Crawford/
Supervisory Patent Examiner, Art Unit 3651

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ERNEST D. BUFF AND ASSOCIATES, LLC.
231 SOMERVILLE ROAD
BEDMINSTER NJ 07921

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DEC 3 1 2009

OFFICE OF PETITIONS

In re Application of :
Jeffrey J. Fino, et al. :
Application No. 11/654,109 : ON PETITION
Filed: January 17, 2007 :
Attorney Docket No. 0283-1 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 16, 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 29, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is March 30, 2009. The Notice of Abandonment was mailed July 27, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405, and the submission required by 37 CFR 1.114; (2) the petition fee of $810 (previously paid); and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

This application is being referred to Technology Center AU 3651 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.

Terri Johnson
Petitions Examiner
Office of Petitions

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Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

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NOV 15 2007

OFFICE OF PETITIONS

In re Application of :

Scott Olive :
Application No. 11/654,142 : DECISION ON PETITION
Filed: January 16, 2007 : TO WITHDRAW
Attorney Docket No. 595122001501 : FROM RECORD
:

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 28, 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 Charles Holland on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Scott Olive**
1/130 Wanfanella Street
Balgowlah, Australia

cc: **Chris George**
McAndrews, Held & Malloy, Ltd.
500 West Madison Street, Suite 3400
Chicago, IL 60661

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 04/21/2010

Applicant	: Scott Olive	: DECISION ON REQUEST FOR
Patent Number	: 7604540	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/654,142	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **51** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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P.O. BOX 2000
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MAY 12 2008

OFFICE OF PETITIONS

In re Application of :
Howard Y. Chen et al :
Application No. 11/654,155 : DECISION ON PETITION
Filed: January 17, 2007 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 22032Y :

This is a decision on the petition filed September 14, 2007, which is being treated as a petition under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The present amendment sets forth an incorrect application number; i.e., 60/60/760,032 rather than 60/760,032. Petitioner must submit an amendment correcting the reference to the improper application. Any request for reconsideration of this decision on petition should be accompanied by a renewed petition under 37 CFR 1.78(a)(6).

Further correspondence with respect to this matter should be addressed as follows:

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401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Irvin Dingle at (571) 272-3210.

Anthony Knight for
David Bucci
Petitions Examiner
Office of Petitions

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DEC 22 2008

In re Application of	:	
Howard Y. Chen et al	:	
Application No. 11/654,155	:	DECISION ON PETITION
Filed: January 17, 2007	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 22032Y	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed June 10, 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 Irvin Dingle at (571) 272-3210. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 1633 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.

David Bucei
Petition Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/654,155	01/17/2007	1633	1130	22032Y	5	2

CONFIRMATION NO. 7914

CORRECTED FILING RECEIPT

210
MERCK AND CO., INC
P O BOX 2000
RAHWAY, NJ 07065-0907

Date Mailed: 12/22/2008

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)

Howard Y. Chen, Westfield, NJ;
Danald J. Marsh, Hillsborough, NJ;

Power of Attorney: The patent practitioners associated with Customer Number 000210

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/760,032 01/18/2006

Foreign Applications

If Required, Foreign Filing License Granted: 03/05/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/654,155**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Neuromedin u receptor subtype 1 deficient transgenic mice and uses thereof

Preliminary Class

800

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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TED MASTERS & ASSOCIATES, INC.
5121 SPICEWOOD DRIVE
CHARLOTTE, NC 28227-0313

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MAY 09 2008

OFFICE OF PETITIONS

In re Application of :
Joseph Edwin Lewis :
Application No. 11/654,199 : DECISION ON PETITION
Filed: January 17, 2007 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed December 26, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

The application is being forwarded to Technology Center Art Unit 3711, 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.

Any inquiries concerning this decision may be directed to Andrea Smith at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/654,199	01/17/2007	3711	500		10	1

CONFIRMATION NO. 7184

40742
TED MASTERS
TED MASTERS & ASSOCIATES, INC.
5121 SPICEWOOD DRIVE
CHARLOTTE, NC 28227-0313

CORRECTED FILING RECEIPT

Date Mailed: 05/09/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Joseph Edwin Lewis, Tehachapi, CA;

Power of Attorney:
Theodore Masters--36209

Domestic Priority data as claimed by applicant

This application is a DIV of 10/961,551 10/08/2004
which claims benefit of 60/516,467 11/01/2003

Foreign Applications

If Required, Foreign Filing License Granted: 02/10/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/654,199**

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No
**** SMALL ENTITY ****

Title

Method for practicing pitching and apparatus therefor

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 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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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

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JAN 16 2008

OFFICE OF PETITIONS

In re Application of :
KRISTENSEN, PETER :
Application No. 11/654,205 :
Filed: 01/16/2007 :
Attorney Docket No. 67074(208654) :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 14, 2007, to revive the above-identified application.

The above-identified application became abandoned for failure to file a timely response to the Notice to File Missing Parts of Nonprovisional Application mailed February 12, 2007, which set a two-month extendable period to reply. The above-identified application became abandoned on April 13, 2007. On October 29, 2007, the Office mailed a Notice of Abandonment.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay. Accordingly, the petition is **granted.**

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,115.00 extension of time fee submitted with the petition on November 14, 2007, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

Mail Date: 04/21/2010

Applicant	: Naohisa Ishizaka	: DECISION ON REQUEST FOR
Patent Number	: 7654108	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/654,206	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/17/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **308** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

In re Application of:	:
Calhoun et al.	:
Serial No.: 11/654,209	: PETITION DECISION
Filed: June 15, 2007	:
Attorney Docket No.: MB9604DIV	:

This is in response to the petition under 37 CFR § 1.181, filed September 6, 2008, requesting that the finality of the Office action of July 9, 2008 be withdrawn as premature.

BACKGROUND

The examiner mailed a non-final Office action on February 4, 2008 setting a three month statutory limit for reply. At the time of this non-final Office action, claims 1-20 were pending in the application. The examiner rejected claims 1-20 as unpatentable under 35 U.S.C. 103 (a) over Schwartz et al, Totakura et al., Burkhead et al., and Cohn et al. in view of Baars et al. and Tang et al.

In response thereto on March 16, 2008, applicants amended claims 1, 6, 8-11, 13-18 and cancelled claims 5, 12, 19 and 20 and traversed the examiner's rejection.

The examiner mailed a final Office action on July 9, 2008 setting a three month statutory limit for reply. In this final action, the examiner rejected claims 1-4, 6-11, and 13-18 as unpatentable under 35 U.S.C. 103 (a) over Schwartz et al, Totakura et al., Burkhead et al., and Cohn et al. in view of Baars et al. and Tang et al. The examiner also rejected claim 13 as unpatentable under 35 U.S.C. 103 (a) over Totakura et al. and Burkhead et al. in view of Cohn et al. as applied to claims 1-11, 19 and 20 above and further in view of Chau et al.

In response thereto, applicants filed this petition under 37 CFR § 1.181 on September 6, 2008, requesting that the finality of the Office action of July 9, 2008 be withdrawn.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed on September 9, 2008, applicants argue that the Office action of July 9, 2008 raises new grounds of rejection that were neither necessitated by applicants' amendment of the claims, nor based on information submitted in an information disclosure statement. Specifically, applicants point out that the new grounds in the final Office action is a rejection of claim 13 under 35 USC 103 not raised previously by the examiner. It is also noted that applicants had previously raised the issue in the amendment of March 16, 2008 that the examiner had failed to address the limitations of claim 13 (i.e. "thickness" and "glass transition temperature") in the non-final Office action of February 4, 2008.

It is also noted that the only amendment to claim 13 was a change in claim dependency such that claim 13 would not be dependent from a cancelled claim. Therefore, it can not be said that applicants' amendments necessitated the new ground of rejection. Applicants' arguments are thus found persuasive that the final Office action issued July 9, 2008 was premature and, therefore, finality of the Office action will be withdrawn.

Applicants' comments in the petition of September 6, 2008 regarding the inadvertent comments and highlighted text in the final Office action were noted but have no bearing in this petition decision.

DECISION

The petition is **GRANTED.**

This application will be forwarded to the examiner for an action not inconsistent with this decision.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

George Elliott
Director, Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/654,209	01/16/2007	Christopher J. Calhoun	MB9604DIV	7323

33197 7590 05/28/2009

STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE, CA 92618

EXAMINER	
BETTON, TIMOTHY E	

ART UNIT	PAPER NUMBER
1617	

MAIL DATE	DELIVERY MODE
05/28/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

In re Application of:
Calhoun et al.
Serial No.: 11/654,209
Filed: January 16, 2007
Attorney Docket No.: **MB9604DIV**

DECISION ON PETITION
TO CORRECT PTO
RECORD

This is in response to applicants' petition under 37 CFR. § 1.181(a), filed on May 22, 2009, to correct the Official PTO records.

A review of the file history shows that a petition decision was mailed on October 1, 2008 which **Granted** applicants' petition that the finality of the Office action of July 9, 2008 was premature.

Applicants now request that the Notice of Abandonment of April 1, 2009 was improperly issued as the examiner failed to send out a new action consistent with the petition decision of October 1, 2008. Applicants' argument is persuasive. Thus, the abandonment will be vacated and the PTO records corrected.

Applicants' petition is **GRANTED**.

The application is being returned to the examiner for an action consistent with the decision of October 1, 2008.

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 at 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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AUG 24 2007

OFFICE OF PETITIONS

In re Application of	:	
Carpenter et al.	:	
Application No. 11/654211	:	DECISION DISMISSING PETITIONS
Filed: 01/17/2007	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. P/546-401	:	

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed on 21 June, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120, 365(c), and 119(e) for the benefit of priority to the prior-filed international and provisional applications set forth in the concurrently-filed amendment.

The petition is **DISMISSED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional or international applications must contain or be

amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional or international application. An example of a proper benefit claim is: "This application is a continuation of Application No. PCT/US2007/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. PCT/US2007/---, filed---," does not comply with 37 CFR 1.78(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional or international parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional or international application. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

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401 Dulany Street
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By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petition

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OFFICE OF PETITIONS

In re Application of	:	
Carpenter et al.	:	
Application No. 11/654211	:	DECISION DISMISSING PETITIONS
Filed: 01/17/2007	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. P/546-401	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR §1.78 FOR LATE ACCEPTANCE OF A PRIORITY CLAIM" which is treated as a renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed on January 4, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120, 365(c), and 119(e) for the benefit of priority to the prior-filed international and provisional applications set forth in the concurrently-filed amendment.

The petition is again **DISMISSED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The amendment submitted with the renewed petition is not acceptable because it states, in pertinent part, that the subject application "is a continuation of" provisional Application 60/761,881. The amendment also states that international Application No. PCT/US2006/036147 "is a continuation-in-part of U.S. Provisional Application No. 60/717,657."

When the nonprovisional application is entitled to an earlier U.S. effective filing date of one or more provisional applications under 35 U.S.C. 119(e), a statement such as "This application claims the benefit of U.S. Provisional Application No. 60/---, filed ---, and U.S. Provisional Application No. 60/ ---, filed ---." should appear as the first sentence(s) of the description or in an application data sheet. In addition, for an application which is claiming the benefit under 35 U.S.C. 120 of a prior application, which in turn claims the benefit of a provisional application under 35 U.S.C. 119(e), a suitable reference would read, "This application is a continuation of U.S. Application No. 10/---, filed ---, which claims the benefit of U.S. Provisional Application No. 60/---, filed ---.". In the case of design applications, it should appear as set forth in MPEP § 1504.20.

The relationship (i.e., continuation, divisional, or continuation-in-part) is not required and should not be specified when a prior provisional application is being claimed under 35 U.S.C. 119(e). No relationship should be specified because whenever a priority claim to a provisional application under 35 U.S.C. 119(e) is made, it is implicit that the relationship is "nonprovisional application of a provisional application." If a relationship between a prior provisional application and the nonprovisional application is submitted, it may be unclear whether the applicant wishes to claim the benefit of the filing date of the provisional application under 35 U.S.C. 119(e) or 120. Thus, applicants seeking to claim the priority to a provisional application under 35 U.S.C. 119(e) should not state that the application is a "continuation" of a provisional application or that the application claims 35 U.S.C. 120 benefit to a provisional application. Although 35 U.S.C. 120 does not preclude a benefit claim to a provisional application, it is not recommended that applicants claim the benefit to a provisional application under 35 U.S.C. 120 since such a claim could have the effect of reducing the patent term, as the term of a patent issuing from such an application may be measured from the filing date of the provisional application pursuant to 35 U.S.C. 154(a)(2). See MPEP 201.11, Reference to Prior Provisional Applications.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

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Alexandria, VA 22314

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ATTN: Office of Petitions

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Anthony Knight
Supervisor
Office of Petitions

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JUN 10 2008

OFFICE OF PETITIONS

In re Application of :
Carpenter et al. :
Application No. 11/654211 : DECISION ON PETITIONS
Filed: 01/17/2007 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. P/546-401 :

This is a decision on the "SECOND RENEWED PETITION UNDER 37 C.F.R. §1.78 FOR LATE ACCEPTANCE OF A PRIORITY CLAIM," which is treated as renewed petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed on April 28, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§120, 365(c), and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional or international application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120, 365(c), and 119(e) is accepted as being unintentionally delayed.

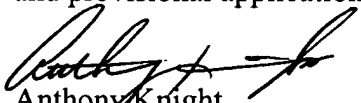
The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120, 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

The rule at 37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §1.78(a)(3). Likewise, 37 CFR § 1.78(a)(6) requires 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. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §1.78(a)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1657 for consideration by the examiner of the claim under 35 U.S.C. § §120, 365(c), and 119(e) of the prior-filed international and provisional applications.



Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/654,211	01/17/2007	1657	2330	P/546-401	44	3

CONFIRMATION NO. 7313

CORRECTED FILING RECEIPT

2352
OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

Date Mailed: 06/10/2008

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)

Sarah E. Carpenter, Caldwell, NJ;
Dave J. Merkler, Valrico, FL;
Duncan A. Miller, Morris Township, NJ;
Nozer M. Mehta, Randolph, NJ;
Angelo P. Consalvo, Monroe, NY;

Assignment For Published Patent Application

Unigene Laboratories Inc.

Power of Attorney: The patent practitioners associated with Customer Number 2352

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/761,681 01/23/2006
and is a CIP of PCT/US06/36147 09/15/2006
which claims benefit of 60/717,657 09/16/2005

Foreign Applications

If Required, Foreign Filing License Granted: 03/06/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/654,211**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Glyoxylate assays and their use of inden tifying natural amidated compounds

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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FOLEY AND LARDNER LLP
111 Huntington Avenue
Boston, MA 02199

MAILED

JUN 03 2010

OFFICE OF PETITIONS

In re Application of
Nahum Guzik, et al.
Application No. 11/654,214
Filed: January 17, 2007
Attorney Docket No. GUZL-0180

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 22, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Foley and Lardner LLP has been revoked by the assignee of the patent application on April 22, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **PIERCE ATWOOD LLP**
160 Federal Street, 10th Floor
Boston, MA 02110

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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

Mail Date: 04/27/2010

Applicant	: Scott T. Tunzi	: DECISION ON REQUEST FOR
Patent Number	: 7665327	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/654,218	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/17/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **390** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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

KALIKO & ASSOCIATES, L.L.C.
500 NORTH FRANKLIN TURNPIKE
RAMSEY NJ 07446

In re Application of :
Jeffrey Berkowitz et al. :
Application No. 11/654,233 : DECISION ON PETITION
Filed: January 17, 2007 : TO WITHDRAW
Attorney Docket No. JBMK-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 December 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 Scott H. Kaliko on behalf of attorney/agents associated with customer number 39550. All attorneys/agents associated with customer number 39550 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: Jeffrey Berkowitz
23 Marines Way
Monsey, NY 10952

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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
11/654,233	01/17/2007	Jeffrey Berkowitz	JBMK-001

CONFIRMATION NO. 7193

POWER OF ATTORNEY NOTICE

39550
KALIKO & ASSOCIATES, L.L.C.
500 NORTH FRANKLIN TURNPIKE
RAMSEY, NJ 07446

OC000000039946409

Date Mailed: 01/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/10/2009.

- 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

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In re Application of
Dennis Griffin

Application No. 11654278

Filed: January 16,2007

Attorney Docket No. 8627/1594

:
:
:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 05-MAR-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	11/654,278	Confirmation Number	7117	Filing Date	2007-01-16
Attorney Docket Number (optional)	8627-1594	Art Unit	3731	Examiner	Kathleen C Sonnett
First Named Inventor	Griffin et al.				
Title of Invention	ENDOVASCULAR FILTER				

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
Brian	L	Bates	

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	/James P. Naughton/	Date (YYYY-MM-DD)	2010-03-05
Name	James P. Naughton	Registration Number	30665

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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OFFICE OF PETITIONS

CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

In re Application of	:	
Bae et al.	:	
Application No. 11/654284	:	
Filing or 371(c) Date: 01/17/2007	:	
Attorney Docket Number:	:	DECISION
SNJ-0087	:	ON PETITION

This is a decision on the "Petition Under 37 CFR 1.181 in Response to Notice of Incomplete Provisional Application Filed Under 37 CFR 1.53(b)", filed May 9, 2007, requesting the above-identified application be accorded a filing date of January 17, 2007.

The petition is granted.

The application was filed on January 17, 2007. On March 12, 2007, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional 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 nine (9) sheets of drawings were filed in the application on January 17, 2007. In support of this assertion, Applicant files, *inter alia*, a copy of his return-receipt postcard acknowledging receipt of nine (9) sheets of drawings by this Office on January 17, 2007.

"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 was mailed in error and is hereby withdrawn.

A refund of the petition fee has been credited to Petitioner's deposit account as authorized in the petition.

The copy of nine (9) 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 January 17, 2007, and an indication that nine (9) sheets of drawings, were present on January 17, 2007, using the nine (9) sheets of drawings, filed with the present petition on January 17, 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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OFFICE OF PETITIONS

LOTT & FRIEDLAND, P.A.
ONE EAST BROWARD BLVD.
SUITE 1609
FORT LAUDERDALE FL 33301

In re Application of
Stephane Gobron et al.
Application No. 11/654,306
Filed: January 17, 2007
Attorney Docket No. 07083-1-003401

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition filed on January 17, 2007 under 37 CFR 1.47.

The petition is **GRANTED**.

The above-identified application was filed on January 17, 2007 with the application, naming Stephane Gobron, Bill Gregory, Vineet Bansal and Tom Nguyen as joint inventors. The oath or declaration filed with the application was signed by all joint inventors except Stephane Gobron and, the instant petition filed with the application seeks status under 37 CFR 1.47, claiming that joint inventor Gobron refuses to join in the application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were sent to the non-signing inventor at his last known residence address and work address and that on both occasions, the non-signing inventor refused delivery. To date he has not responded further. The fact that he has been forwarded the application papers and has not to date returned any executed documents, we will construe his actions to be that of a refusal to cooperate with the filing of the instant application.

The petition fee in the amount of $200.00 has been charged to deposit account no. 50-2725.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OFFICE OF KYLE FLETCHER
806 WEST 5TH STREET
APT# 410
CHARLOTTE, NC 28202

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APR 23 2008

OFFICE OF PETITIONS

In re Application of Hann :
Application No. 11/654,313 : Decision on Petition
Filing Date: January 17, 2007 :
For: Tool Bag With Integrated :
Exterior Foam Pad :

This is a decision on the petition under 37 CFR 1.137(a), filed November 19, 2007, to revive the above-identified application.

The petition is **granted.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application mailed February 12, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on April 13, 2007.

A Notice of Abandonment was mailed on October 29, 2007.

The instant petition seeks revival of the application. Petitioner has met the requirements to revive the application pursuant to 37 CFR 1.137(a). Therefore, the petition is granted.

As required by the Notice to File Missing Parts, petitioner has submitted $50 for the fee required when a bank returns a check unpaid. A review of the record indicates the requirement for petitioner to submit the $50 fee was erroneous. The Canadian check was mailed back to petitioner unprocessed. In other words, the USPTO never sent the check to the USPTO's bank for processing and the check was never returned unpaid. Since the $50 fee is not actually required, the Office has scheduled a refund of the $50 payment.

The Office of Patent Application Processing will be informed of the instant decision and will prepare the application for examination in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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WESTMAN CHAMPLIN (MICROSOFT CORPORATION)
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402

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OFFICE OF PETITIONS

In re Application of :
Silviu P. Cucerzan, et al. :
Application No. 11/654,324 : DECISION ON PETITION
Filed: January 17, 2007 :
Attorney Docket No. 318697.01 :

This is a decision on the petition, filed July 28, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed November 25, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on February 26, 2009.

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 Notice of Abandonment is hereby **vacated** and the holding of abandonment **withdrawn**.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to the Technology Center technical support staff of Art Unit 2168 for re-mailing the Office action of November 25, 2008. The period for reply will run from the mailing date of the Office action.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/654,327	01/17/2007	James R. Petisce	DEXCOM.058CP2	7127

EXAMINER

7590 11/02/2007

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

ART UNIT	PAPER NUMBER
1753	

NOTIFICATION DATE	DELIVERY MODE
11/02/2007	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Repln. Ref: 11/01/2007 KKING1 00015293700
DAM:111410 Name/Number:11654327
FC: 9204 $850.00 CR

Adjustment date: 11/01/2007 KKING1
01/19/2007 HDESTA1 00000014 11654327
02 FC:2111 -250.00 OP
05 FC:2202 -600.00 OP

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Pilsbury Winthrop Shaw Pittman LLP
1650 Tysons Blvd., 14th Floor
McLean VA 22102

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In re Application of
Katagiri, et al.
Application No. 11/654,358
Filed: January 16, 2007
Attorney Docket No. 07237-0376769

ON PETITION

This is a decision on the petition filed September 9, 2009, which is being treated as a petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed non-provisional applications set forth in the amendment filed concurrently with the instant petition. The petition will also be treated as a petition under 37 CFR 1.78(a)(6) to accept the unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority of the prior-filed provisional applications set forth in the amendment filed concurrently with the instant petition.

The petition under 37 CFR 1.78(a)(3) is **DISMISSED**.

The petition under 37 CFR 1.78(a)(6) is also **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6) is only applicable to those applications filed on, or after, November 29, 2000. Further, the petition is appropriate only after the expiration of the periods specified in 37 CFR 1.78(a)(5)(ii) and 37 CFR 1.78(a)(2)(ii).

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 under 37 CFR 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) of the prior filed application, unless previously submitted.

(2) the surcharge set forth in § 1.17(t)

(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 Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

In reviewing the chain of applications to which applicant is seeking a claim for priority, it does not appear that Application No. 09/887,272 references intermediate Application No. 09/887,271. Section 201.11(III)(c) of the Manual of Patent Examining Procedure provides, in pertinent part, that:

> Sometimes a pending application is one of a series of applications wherein the pending application is not copending with the first filed application but is copending with an intermediate application entitled to the benefit of the filing date of the first application. If applicant wishes that the pending application have the benefit of the filing date of the first filed application, applicant must, besides making reference to the intermediate application, also make reference to the first application. See *Sticker Indus. Supply Corp. v. Blaw-Knox Co.*, 405 F.2d 90, 160 USPQ 177 (7th Cir. 1968) and *Hovlid v. Asari*, 305 F. 2d 747, 134 USPQ 162 (9th Cir. 1962). The reference to the prior applications must identify all of the prior applications and indicate the relationship (i.e., continuation, divisional, or continuation-in-part) between each nonprovisional application in order to establish copendency throughout the entire chain of prior applications. Appropriate references must be made in each intermediate application in the chain of prior applications. If an applicant desires, for example, the following benefit claim: "this application is a continuation of Application No. C, filed ---, which is a continuation of Application No. B, filed ---, which claims the benefit of provisional Application No. A, filed ---," then Application No. C must have a reference to Application No. B and provisional Application No. A, and Application No. B must have a reference to provisional Application No. A.

Where an application claims a benefit under 35 U.S.C. 120 of a chain of applications, the application must make a reference to the first (earliest) application and every intermediate application. *See* Sampson v. Ampex Corp., 463 F.2d 1042, 1044-45, 174 USPQ 417, 418-19 (2d Cir. 1972); Sticker Indus. Supply Corp. v. Blaw-Knox Co., 405 F.2d 90, 93, 160 USPQ 177, 179 (7th Cir. 1968); Hovlid v. Asari, 305 F.2d 747, 751, 134 USPQ 162, 165 (9th Cir. 1962). Petitioner should review the claim submitted to ensure that appropriate references are made in each of intermediate application in the chain of prior application.

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 Kenya A. McLaughlin, Petitions Attorney at (571) 272-3222.

Anthony Knight
Supervisor
Office of Petitions

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/654,362	01/17/2007	Su-Yean Kim	678-2672 (P14031)	6427

7590 11/26/2008

THE FARRELL LAW FIRM, P.C.
333 EARLE OVINGTON BOULEVARD
SUITE 701
UNIONDALE, NY 11553

EXAMINER	
BOST, DWAYNE D	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
11/26/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
11/28/2008 NFARMER 0000165295

CHECK Refund Total: $500.00

Adjustment date: 11/28/2008 NFARMER
04713/2007 MGEBREM1 00000049 11654362
02 FC:1111 -500.00 OP

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Paper No. None

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SEP 04 2007
OFFICE OF PETITIONS

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of :
Timothy J. Provencher and Craig :
B. Hickson :
Application No. 11/654,372 :
Filed: January 17, 2007 : DECISION ON PETITION
Attorney Docket No. ASMEX.531A :
Title: HIGH TEMPERATURE ALD :
INLET MANIFOLD :

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a)[1], filed July 6, 2007.

On January 17, 2007, the application was filed, identifying Timothy J. Provencher and Craig B. Hickson as joint inventors. The application was deposited without an executed oath or

---

1A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

declaration. On March 6, 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 associated surcharge. This Notice set a two-month period for reply.

Along with the present petition, Petitioner has submitted, *inter alia*, the petition fee, a declaration that has been executed by Mr. Provencher, the surcharge associated with the late submission of the same, and a declaration of facts.

The concurrently submitted Change of Correspondence Address has been entered and made of record.

Petitioner has met requirements (1) - (2) and (4) of Rule § 1.47(a).

The last known address differs from the address that appears on the declaration, and as such, it appears that one of these two documents contains an incorrect address:

- The declaration of facts sets forth that the last known address of the non-signing inventor is 1169 N. Grand Ave., Apache Junction, AZ, 85220.

- The declaration lists the address of the non-signing inventor as 3625 East Ray Road, #2020, Phoenix, AZ, 85044.

- A complete copy of the application was mailed to the address that appears in the declaration of facts.

Petitioner will need to clarify this discrepancy on renewed petition, as the address that appears on the declaration differs from the last known address.

Presuming that the declaration 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, if the address that appears on the declaration is correct, a complete copy of the application will need to be sent to that address, and Petitioner will need to provide the non-signing inventor with an adequate period of time to respond before filing a renewed petition.

It follows that the present petition must be **DISMISSED.**

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[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]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

---

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.
5 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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Paper No. None

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
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IRVINE CA 92614

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NOV 14 2007

OFFICE OF PETITIONS

In re Application of	:	
Timothy J. Provencher and Craig	:	
B. Hickson	:	DECISION NOTING JOINDER AND
Application No. 11/654,372	:	DISMISSING RENEWED PETITION
Filed: January 17, 2007	:	UNDER 37 C.F.R. § 1.47(A)
Attorney Docket No. ASMEX.531A	:	AS MOOT
Title: HIGH TEMPERATURE ALD	:	
INLET MANIFOLD	:	

This is in response to the renewed petition pursuant to 37 C.F.R. § 1.47(a)[1], filed October 24, 2007.

On January 17, 2007, the application was filed, identifying Timothy J. Provencher and Craig B. Hickson as joint inventors. The application was deposited without an executed oath or

---

1A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

declaration. On March 6, 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 associated surcharge. This Notice set a two-month period for reply.

An original petition was filed on July 6, 2007, which was dismissed via the mailing of a decision on September 4, 2007.

With this renewed petition, Petitioner has included a declaration that has been executed by each of the two joint inventors. As such, this renewed petition is **DISMISSED AS MOOT.**

In view of the joinder of the joint inventor, further consideration under 37 C.F.R. § 1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule § 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 C.F.R. § 1.47(a).

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[2].

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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Perkins Coie LLP
P.O. Box 1208
Seattle, WA 98111-1208

Mail Date: 05/10/2010

Applicant	: Emmanuel Ackaouy	: DECISION ON REQUEST FOR
Patent Number	: 7631078	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/654,381	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **52** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY
SUITE 1001
WESTBOROUGH, MA 01581

Mail Date: 04/21/2010

Applicant	: Stephen N. Bunker	: DECISION ON REQUEST FOR
Patent Number	: 7574930	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/654,394	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/17/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **382** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICE OF CHRISTOPHER KAY
3111 W. DR. M.L. KING JR. BLVD.
SUITE 100
TAMPA, FL 33607

COPY MAILED

MAR 17 2008

In re Application of :
HIBBARD, Richard et al. :
Application No. 11/654,412 : DECISION ON PETITION
Filed: January 16, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **1444.002** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 16, 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 inventor's birth certificate as evidence that Richard Hibbard is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3671 for action on the merits commensurate with this decision.

Michelle R. Eason
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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Brinks Hofer Gilson & Lione/Seiko Instruments Inc.
P.O. Box 10395
Chicago, IL 60611

Mail Date: 04/21/2010

Applicant	: Minoru Sudo	: DECISION ON REQUEST FOR
Patent Number	: 7594435	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/654,416	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/17/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **91** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Brinks Hofer Gilson & Lione/Seiko Instruments Inc.
P.O. Box 10395
Chicago, IL 60611

Mail Date: 05/18/2010

Applicant : Minoru Sudo
Patent Number : 7594435
Issue Date : 09/29/2009
Application No: 11/654,416
Filed : 01/17/2007

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **127** 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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BRETT J. TROUT, PC
516 WALNUT
DES MOINES IA 50309

MAILED

MAR 3 1 2010

OFFICE OF PETITIONS

In re Application of	:	
James J. Kempf	:	
Application No. 11/654,418	:	DECISION ON PETITION
Filed: January 17, 2007	:	
For: POWERSTROKE CROSSBOW	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 24, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment and a terminal disclaimer/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed March 19, 2009, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3711 for appropriate action by the Examiner in the normal course of business on the reply received December 24, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 19, 2010

TO SPE OF : ART UNIT 2891

SUBJECT : Request for Certificate of Correction for Appl. No.: 11654428
Patent No.: 7646078

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D40-C
Palm Location 7580

_____
Certificates of Correction Branch

703-756-1573

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X Approved	**All** changes apply.
❑ **Approved in Part**	Specify below which changes **do not** apply.
❑ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

/Kiesha Bryant/ **2891**
SPE **Art Unit**

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UNITED STATES DEPARTMENT OF COMMERCE
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SEAGATE TECHNOLOGY LLC
INTELLECTUAL PROPERTY DEPARTMENT
920 DISC DRIVE, MS/SV02A7
SCOTTS VALLEY, CA 95066-4544

Mail Date: 04/21/2010

Applicant	: Peter C. Jann	: DECISION ON REQUEST FOR
Patent Number	: 7623427	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/654,438	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/17/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **483** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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CYPRESS SEMICONDUCTOR CORPORATION
198 CHAMPION COURT
SAN JOSE, CA 95134-1709

Mail Date: 04/21/2010

Applicant	: Pulkit Shah	: DECISION ON REQUEST FOR
Patent Number	: 7612585	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/654,445	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/17/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **15** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Alexandria, VA 22313-1450
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MCCARTER & ENGLISH, LLP
ATTN: BASAM E. NABULSI
FINANCIAL CENTRE, SUITE 304A
695 EAST MAIN STREET
STAMFORD CT 06901-2103

COPY MAILED

NOV 2 4 2008

OFFICE OF PETITIONS

In re Application of :
Barry RESSLER :
Application No. 11/654,475 : ON PETITION
Filed: January 17, 2007 :
Attorney Docket No. 98103.00021 :

This is a decision on the petition, filed April 3, 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 **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 states 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 review of the file record shows that a Request to Rescind was filed on April 3, 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

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-

Thurman 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
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MCCARTER & ENGLISH, LLP
STAMFORD FINANCIAL CENTRE,
SUITE 304A
695 EAST MAIN STREET
STAMFORD, CT 06901-2138

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AUG 0 3 2009

OFFICE OF PETITIONS

In re Application of :
Barry RESSLER :
Application No. 11/654,475 :DECISION ON PETITION
Filed: January 17, 2007 : 37 CFR 1.137(b)
Attorney Docket No. 98103.00021 :

This is a decision on the renewed petition, filed December 5, 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 August 9, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The 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 Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing which sets forth the projected publication date of accompanies this decision on petition.

This application is being referred to Technology Center Art Unit 4172.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

for Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

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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
11/654,475	01/17/2007	Barry Ressler	98103.00021

CONFIRMATION NO. 7876

72535
MCCARTER & ENGLISH, LLP STAMFORD
FINANCIAL CENTRE , SUITE 304A
695 EAST MAIN STREET
STAMFORD, CT 06901-2138

NONPUBLICATION RESCISSION LETTER

Date Mailed: 07/31/2009

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 11/05/2009.

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".

/dcgoodwyn/

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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ANTONY C. EDWARDS
P.O. BOX 26020
WESTBANK BC V4T 2G3 CA CANADA

MAILED

MAY 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Wilhelm Leitner	:	
Application No. 11/654,502	:	DECISION ON PETITION
Filed: January 18, 2007	:	
Attorney Docket No. ACE-33689	:	

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 January 15, 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 April 16, 2009. A Notice of Abandonment was mailed July 29, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuation-in-part, (2) the petition fee of $810.00, and (3) an adequate 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. 12/662,404, filed April 15, 2010.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Antony C. Edwards
Unit 206-3500 Carrington Road
Westbank, British Columbia, V4T 3C1, Canada

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

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MAR 15 2010

In re Application of :
Motoyuki ABE, et *al.* :
Application No. 11/654,528 : DECISION GRANTING PETITION
Filed: January 18, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **056203.58705US** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 12, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 28, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3752 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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OFFICE OF PETITIONS

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of :
Motoyuki Abe, et al. :
Application No.: 11/654,528 : ON PETITION
Filed: January 18, 2007 :
Attorney Docket No.: 056203.58705US :

This is a decision on the petition, filed June 3, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 11, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 3752 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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The Nath Law Group
112 South West Street
Alexandria, VA 22314

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MAR 0 2 2009

OFFICE OF PETITIONS

In re Application of
Fred Gage
Application No. 11/654,553
Filed: January 18, 2007
Attorney Docket No. 27530U

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 4, 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 Joshua B. Goldberg on behalf of all attorneys/agents associated with customer number 20529. All attorneys/agents associated with customer number 20529 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: Hemacell Perfusion, Inc.
P.O. Box 4783
Silver Springs, MD 20914

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
11/654,553	01/18/2007	Fred Gage	27530U

CONFIRMATION NO. 7381

POWER OF ATTORNEY NOTICE

20529
THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314

OC000000034789802

Date Mailed: 03/02/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/04/2009.

- 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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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
MARTIN, Army et al. :
Application No. 11/654,574 : DECISION ON PETITION
Filed: January 18, 2007 : TO WITHDRAW
Attorney Docket No. **573878035US** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 19, 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 Kenneth Ohriner on behalf of all attorneys of record who are associated with customer No. 25096. All attorneys/agents associated with the Customer Number 25096 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee

(e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **AMY MARTIN**
2343 NORTH 55TH STREET
SEATTLE WA 98103

cc: **HYPERION INNOVATIONS, INC.**
1750 112TH AVENUE N.E., SUITE C-100
BELLEVUE WA 98004-3700

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OFFICE OF PETITIONS

CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20036

In re Application of

VANDALI, Andrew et al.
Application No. 11/654,578
Filed: January 18, 2007
Attorney Docket No. **COCH-0035-CO1**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 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 Ajay A. Jagtiani on behalf of all attorneys of record who are associated.
All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **ANDREW VANDALI**
14-16 MARS ROAD
LANE COVE, NSW 2066
AUSTRALIA

cc: **JAYNE ANDREWS, PATENT ATTORNEY**
IP MANAGER
COCHLEAR LIMITED
14-16 MARS ROAD
LANE COVE, NSW 2066
AUSTRALIA

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
11/654,590	01/18/2007	Myung-jae Kim	Q98299	7550

7590 03/11/2009

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
MEHTA, BHAVESH M	

ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
03/11/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Repln. Ref: 03/12/2009 BPOWELL 0016294300
DA#:194880 Name/Number:11654590
FC: 9204 $900.00 CR

Adjustment date: 03/12/2009 BPOWELL
01/19/2007 YPOLITE1 00000037 11654590
02 FC:1111 -500.00 OP
04 FC:1202 -400.00 OP

Repln. Ref: 03/12/2009 BPOWELL 0016294300
DA#:194880 Name/Number:11654590
FC: 9204 $900.00 CR

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

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	: Takahiro Ochiai	: DECISION ON REQUEST FOR
Patent Number	: 7633594	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/654,594	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/18/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **233** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Xenoport, Inc.
3410 Central Expressway
Santa Clara CA 95051

MAILED

JUN 2 4 2010

OFFICE OF PETITIONS

In re Application of
Scheuerman et al.
Application No.: 11/654598
Filing or 371(c) Date: 01/18/2007
Attorney Docket Number:
X-0040 R2

DECISION ON
PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 25, 2010, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed November 9, 2009. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned February 10, 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 and the publication fee; (2) the petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

This application is being referred to the Office of Data Management for processing into a patent.

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/654,609	01/18/2007	Hee-ran Lee	52591	7632

7590 02/25/2009

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER	
COLES, EDWARD L	
ART UNIT	PAPER NUMBER
2625	
MAIL DATE	DELIVERY MODE
02/25/2009	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: 02/26/2009 BPOWELL
01/19/2007 EAYALEW1 00000048 11654609
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP
05 FC:1202 -400.00 OP

Adjustment Date: 02/26/2009 BPOWELL
10/24/2008 INTEFSW 00002488 500549 29321263
02 FC:1112 100.00 CR

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

LEON R TURKEVICH
2000 M STREET NW
7TH FLOOR
WASHINGTON, DC 200363307

Mail Date: 08/04/2010

Applicant	: Pascal Thubert	: DECISION ON REQUEST FOR
Patent Number	: 7649852	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/654,625	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/18/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **393** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/654,626	01/18/2007	Sun-ae Seo	2557SI-001125/US/DVA	7360

30593 7590 02/24/2010

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER	
LOKE, STEVEN HO YIN	

ART UNIT	PAPER NUMBER
2818	

MAIL DATE	DELIVERY MODE
02/24/2010	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
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 20100223

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

Applicant : Sun-ae Seo et al
Appl No.: 11/654,626
Filed: January 18, 2007
Attorney Docket No.: 1030681-001041

: **DECISION ON PETITION**
: **UNDER**
: *37 CFR 1.103(a)*

Request for Suspension, **Denied**.

Applicant's request filed January 11, 2010, for suspension of action in this application for a period of 6 months under 37 CFR 1.103(a), is denied for failing to show good and sufficient cause for suspension of action. See MPEP § 709.

Any inquiry directed into this decision should be directed to Kenneth Parker, Supervisory Patent Examiner, at 571-272-2298.

_/Gladys Corcoran/_____
Gladys J. Corcoran, *Acting* TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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

JOE MCKINNEY MUNCY
PO BOX 1364
FAIRFAX, VA 22038-1364

COPY MAILED
NOV 19 2008

In re Application of	:	
Chung-Chun Yeh	:	
Application No. 11/654,628	:	DECISION ON PETITION
Filed: January 18, 2007	:	UNDER 37 CFR 1.55(c)
Attorney Docket No. 2450-1471PUS1	:	

This is a decision on the petition under 37 CFR 1.55(c), filed August 7, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign Taiwan Application No. 095112512, filed August 7, 2007.

The petition is **DISMISSED**.

This application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, **and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6))**;
(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The petition fails to comply with item (2) above. In this regard, the Application Data Sheet submitted with the petition is not signed in accordance with 37 CFR 1.33 and 10.18. See also 37 CFR 1.4(d) for the form of the signature.

In view of the above, compliance with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6) must be satisfied if applicant desires to claim priority to the foreign application noted in the petition. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

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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JOE MCKINNEY MUNCY
PO BOX 1364
FAIRFAX, VA 22038-1364

COPY MAILED

FEB 18 2009

OFFICE OF PETITIONS

In re Application of :
Chung-Chun Yeh :
Application No. 11/654,628 :
Filed: January 18, 2007 :
Attorney Docket No. 2450-1471PUS1 :

DECISION GRANTING PETITION
UNDER 37 CFR 1.55(c)

This is a decision on the renewed petition under 37 CFR 1.55(c), filed November 26, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign Taiwan Application No. 095112512 filed April 7, 2006.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;

(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);

(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Director may require additional information where there is a question whether the delay was unintentional.); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) 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 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed foreign application, accompanies this decision on petition.

This application is being referred to Technology Center AU 3733 for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any inquiries directly pertaining to this decision may be directed to the undersigned at (571) 272-3204.

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
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/654,628	01/18/2007	3733	500	2450-1471PUS1	9	1

CONFIRMATION NO. 7371

CORRECTED FILING RECEIPT

77032
Joe McKinney Muncy
PO Box 1364
Fairfax, VA 22038-1364

Date Mailed: 02/13/2009

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)

Chung-Chun Yeh, Taipei City, TAIWAN;

Power of Attorney: The patent practitioners associated with Customer Number 02292

Domestic Priority data as claimed by applicant

Foreign Applications
TAIWAN 095112512 04/07/2006

If Required, Foreign Filing License Granted: 03/02/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/654,628**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Interspinous process distraction device

Preliminary Class

606

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JJGJr : 11-07

COPY MAILED

NOV 26 2007

OFFICE OF PETITIONS

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of :
Kim, et al. :
Application No. 11/654,647 : DECISION
Filed: 18 January, 2007 :
Attorney Docket No. 31978-238314 :

This is a decision on the petition filed on 22 May, 2007, under 37 C.F.R. §1.47(a).

The Office regrets the delay in addressing this matter, however, the instant petition was presented to the attorneys in the Office of Petitions only at this writing.[1]

For the reasons set forth below, the petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

NOTES:

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";

Thereafter, there will be no further reconsideration of this matter.

[1] NOTE: **Monitoring of the status of applications on PAIR can inform one's management of application responses and provide an indication when mailings of Office actions should be expected. Status Inquiries filed at three (3) or four (4) month intervals provide a demonstration of diligence and attention in supporting a petition seeking relief under 37 C.F.R. §1.181.**

BACKGROUND

The record indicates:

- the instant application was filed on 18 January, 2007, without, *inter alia*, a fully executed oath/declaration;

- on 6 March, 2007, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;

- on 22 May, 2007, Petitioner Thomas G. Wiseman (Reg. No. 33,046) filed, *inter alia*, the instant petition, an oath/declaration signed by Messrs. Kim, Thomas, Hanover and Ms. Love (for themselves and on behalf of) but not the non-signing co-inventor Melissa Perreira (Ms. Perreira), and statement by Petitioner that Petitioner was told that Ms. Perreira was an employee of the Office had been instructed by her supervisor not to sign the oath/declaration, and Petitioner averred that he had called the Office[1] (and in particular the Office of Petitions) and told this was true, and Petitioner appears to have done nothing else—to wit: Petitioner has failed to transmit to the non-signing inventor the entire application (description, claims, abstract and drawings), and request in writing that the non-signing inventor join in the oath/declaration, and upon the non-signing inventor failing to do so, Petitioner was to petition the Office and, *inter alia*, provide the last known/reasonably believed to be residential address of the non-signing inventor (with (documentary) evidence of diligent effort in the search, and the other requirements under the law, as discussed below.

The above-described procedure (and as set forth in detail below) is a matter of due process owed to the averred non-signing inventor.

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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[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.

[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—

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,

---

(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —

(1) Holding certain facts to have been established;

(2) Returning papers;

(3) Precluding a party from filing a paper, or presenting or contesting an issue;

(4) Imposing a monetary sanction;

(5) Requiring a terminal disclaimer for the period of the delay; or

(6) Terminating the proceedings in the Patent and Trademark Office.

(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]

> 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.

The commentary at MPEP §409.03(d) provides:

> **409.03(d) Proof of Unavailability or Refusal**
>
> INVENTOR CANNOT BE REACHED
>
> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 C.F.R. §1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 C.F.R. §1.47.
>
> Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 C.F.R. §1.47. 37 C.F.R. §1.43 may be available under these circumstances. See MPEP §409.02. Such a petition under 37 C.F.R. §1.47 will be dismissed as inappropriate.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> REFUSAL TO JOIN
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor

is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 C.F.R. §1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP §106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 C.F.R. §1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.

When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 C.F.R. §1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Thus, not only must a copy of the entire application must be sent to the last known address of the non-signing inventor 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 BACKGROUND and ANALYSIS, above, and 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**.

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

By hand: Mail Stop: Petition
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

---

[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.

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

[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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Alexandria, VA 22313-1450
www.uspto.gov

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MAR 3 1 2008

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of	:	
Kim, et al.	:	
Application No. 11/654,647	:	DECISION
Filed: 18 January, 2007	:	
Attorney Docket No. 31978-238314	:	

This is a decision on the petition filed on 23 January, 2008, 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 18 January, 2007, without, *inter alia*, a fully executed oath/declaration;

- on 6 March, 2007, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;

[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 22 May, 2007, Petitioner Thomas G. Wiseman (Reg. No. 33,046) filed, *inter alia*, a petition, an oath/declaration signed by Messrs. Kim, Thomas, Hanover and Ms. Love (for themselves and on behalf of) but not the non-signing co-inventor Melissa Perreira (Ms. Perreira), and statement by Petitioner that Petitioner was told that Ms. Perreira was an employee of the Office had been instructed by her supervisor not to sign the oath/declaration, and Petitioner averred that he had called the Office[1] (and in particular the Office of Petitions) and told this was true, and Petitioner appears to have done nothing else—to wit: Petitioner has failed to transmit to the non-signing inventor the entire application (description, claims, abstract and drawings), and request in writing that the non-signing inventor join in the oath/declaration, and upon the non-signing inventor failing to do so, Petitioner was to petition the Office and, *inter alia*, provide the last known/reasonably believed to be residential address of the non-signing inventor (with (documentary) evidence of diligent effort in the search, and the other requirements under the law—and so the petition was dismissed on 26 November, 2006;

- on 23 January, 2008, Petitioner filed the instant petition to overcome the former deficiencies and makes a showing of transmittal of the entire application to the non-signing inventor and her failure/constructive refusal to sign/join—Petitioner misperceives a telephone conversation with an attorney serving on the Office of Petitions "Help Desk" as authority for Petitioner's actions and is reminded that: (a) all action before the Office is in writing, and (b) the only authorities for Petitioner's action are the statutes, regulations and guidance in the Commentary in the MPEP, to wit:

* * *

> 309 Restrictions Upon Employees of >U.S.< Patent and Trademark Office [R-3] - 300 Ownership and Assignment
>
> 309 Restrictions Upon Employees of >U.S.< Patent and Trademark Office [R-3]
>
> **35 U.S.C. 4 Restrictions on officers and employees as to interests in patents.**
>
> Officers and employees of the Patent and Trademark Office shall be incapable, during the period of their appointments and for one year thereafter, of applying for a patent and of acquiring, directly or indirectly, except by inheritance or bequest, any patent or any right or interest in any patent, issued or to be issued by the Office. In patents applied for thereafter they shall not be entitled to any priority date earlier than one year after the termination of their appointment.

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[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.

and:

> **409 Death, Legal Incapacity, or Unavailability of Inventor [R-5] - 400 Representative of Inventor or Owner**
>
> 409 Death, Legal Incapacity, or Unavailability of Inventor [R-5]
>
> If the inventor is dead, insane, or otherwise legally incapacitated, refuses to execute an application, or cannot be found, an application may be made by someone other than the inventor, as specified in 37 CFR **> 1.42, 1.43and 1.47 <, and 37 C.F..R. 1,423, MPEP §409.01 - §409.03 (j).
>
> A minor (under age 18) inventor may execute an oath or declaration under 37 C.F.R. §1.63 as long as the *>minor< is competent to sign (i.e., understands the document that he or she is signing); a legal representative is not required to execute an oath or declaration on the minor's behalf. See 37 C.F.R. §1.63(a)(1).
>
> Employees of the United States Patent and Trademark Office (Office) who were inventors are not permitted to sign an oath or declaration for patent application (37 CF.R. . §1.63) during the period of their employment with the Office and one year thereafter. 35 U.S.C,. §4. These employees (inventors) will be treated as being unavailable to sign the oath or declaration pursuant to 37 C.F.R. §1.47.

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]

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.

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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).

Notice of the filing of this application also will be published in the Official Gazette.

This file is released to Office of Patent Application Processing (OPAP) (formerly Office of Initial Patent Examination (OIPE)) for processing as necessary before being released for examination in due course.

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

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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

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 3 1 2008

MELISSA PERREIRA
5710 RIDGE VIEW DRIVE
ALEXANDRIA, VIRGINIA 22310

In re Application of :
Kim, et al. :
Application No. 11/654,647 : DECISION
Filed: 18 January, 2007 :
Attorney Docket No. 31978-238314 :

Dear Melissa Perreira:

You are named as inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47,[1] Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding 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.

---

[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]

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:
VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

---

[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

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.
11/654,657	01/18/2007	Soon-back Cha	Q98432	7437

7590 05/07/2010

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
BOST, DWAYNE D	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
05/07/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

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

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

Mail Date: 07/28/2010

Applicant	: Ayumu Miyajima	: DECISION ON REQUEST FOR
Patent Number	: 7648003	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/654,676	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/18/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **364** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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

KRATZ, QUINTOS & HANSON, LLP
1420 K STREET, N.W.
SUITE 400
WASHINGTON DC 20005

MAILED

JUL 20 2009

OFFICE OF PETITIONS

In re Patent No. 7,469,197 :
Issue Date: December 23, 2008 :
Application No. 11/654,686 : DECISION ON PETITION
Filed: January 18, 2007 :
Attorney Docket No. 060829 :

This is a decision on the petition under 37 CFR 1.183 filed March 26, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction in the patent to be issued from the above-identified application.

The petition under 37 CFR 3.81(b) to correct the assignee's name is **GRANTED**.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is "VODAFONE GROUP PLC, BERKSHIRE, UNITED KINGDOM" and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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 was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that there "VODAFONE GROUP PLC, BERKSHIRE, UNITED KINGDOM" assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Inquiries concerning this decision should be directed to the Michelle R. Eason at (571) 272-4231. 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 after issuance of this application into a patent.

Thurman 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

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

MAILED

MAY 03 2010

OFFICE OF PETITIONS

In re Application of	:	
Seizo Ueno et al	:	
Application No. 11/654,690	:	DECISION GRANTING PETITION
Filed: January 18, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 071030	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 30, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 8, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3744 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

NOV 15 2007

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Alexandria, VA 22313-1450
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DR. RASHIDA A. KARMALI
10TH FLOOR
99 WALL STREET
NEW YORK NY 10005

In re Application of	:
Maria Michejda	:
Serial No.: 11/654,737	: PETITION TO MAKE SPECIAL
Filed: January 17, 2007	:
Attorney Docket No.: 192-002	:

This is in response to the petition filed January 17, 2007, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefor the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the general Office facsimile number, 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GARY B. LAWRENCE SR.
681 BROOKLINE STREET S.W.
ATLANTA GA 30310

COPY MAILED

JUN 0 6 2008

In re Application of :
Gary Bernard Lawrence, Sr. :
Application No. 11/654,769 : ON PETITION
Filed: March 19, 2007 :
Attorney Docket No.

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed on May 12, 2008.

The petition is **DISMISSED**.

The record reflects that a non-final Office action was mailed September 18, 2007, allowing a shortened statutory period for reply of three months from its mailing date. Extension of the time set for reply were available pursuant to 37 CFR 1.136(a). No response was received within the allowable period and the application went abandoned on December 19, 2007. A Notice of Abandonment was mailed on May 12, 2008.

Petitioner maintains that a timely response was filed via United States postal Service (USPS) Express Mail Service on October 2, 2007, but contained no identifiers that would match the response to the correct application.

Section 1.10(a) of the Title 37 of the Code of Federal Regulations indicates that correspondence received by the Patent and Trademark Office that was delivered by Express Mail will be considered filed in the Office on the date of deposit with the United States Postal Service. Where there is a discrepancy between the date of deposit as shown on the Express Mail label and the filing date accorded the correspondence by the Office, 37 CFR 1.10(c) provides that an applicant may petition to have the Commissioner accord the correspondence a filing date as of the "date in" on Express Mail label. In accordance with 37 CFR 1.10(c), a successful petition must:

> (1) . . . be filed promptly after the person becomes aware that the Office has accorded or will accord a filing date other than the USPS deposit date;
>
> 2) [provide] the number on the Express Mail mailing label was placed on a paper(s) or fee(s) that constituted the correspondence prior to the original mailing by Express Mail; and
>
> (3) . . . include a true copy of the Express Mail mailing label showing the date-in and of any other official notation by the USPS relied upon to show the date of deposit.

Although petitioner has provided a copy of the Express Mail receipt and the response that was allegedly filed October 7, 2007, the response does not cite the Express Mail label number as required above. It is not possible to establish that the response was contained in that Express Mail package. The copy of the Express Mail label petitioner provided cannot, therefore, be considered *prima facie* evidence that the response to the September 18, 2007, was deposited with the Express Mail Service on October 7, 2007.

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 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, December 18, 2007. The petition is dismissed accordingly.

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 (01-08)
Approved for use through 06/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ _____
Signature Date

_____ _____
Typed or printed name Registration Number, if applicable

_____ _____
Address Telephone Number

_____
Address

Enclosures: ☐ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ _____
Date Signature

_____
Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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GARY B. LAWRENCE SR.
681 BROOKLINE STREET S.W.
ATLANTA GA 30310

COPY MAILED

JUN 30 2008

In re Application of

Gary Bernard Lawrence, Sr. :

Application No. 11/654,769

: DECISION ON PETITION

Filed: March 19, 2007

:

Attorney Docket No.

This is a decision on the petition under 37 CFR 1.137(b), filed June 12, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 18, 2007, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on December 19, 2007. A Notice of Abandonment was mailed on May 12, 2008.

The response to the non-final Office action filed May 12, 2008, is noted.

The application is being forwarded to Technology Center 3700, GAU 3765 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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/654834	01/18/07	Abedifard	400.063US06

7590
Leffert Jay & Polglaze, P.A.
Attn: Thomas Leffert
P.O. Box 581009
Minneapolis, MN 55458-1009

DATE MAILED: October 16, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed on January 18, 2007 requesting for a refund any previously paid search fee and excess claims fee in the above-identified application, and the petition under 37 CFR 1.138(c) filed on April 16, 2007, for express abandonment to avoid publication of the above-identified application.

The petitions are granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded. The application has been withdrawn from publication. A notice of abandonment will be mailed in due course.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

571-272-4200

Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/654,852	01/18/2007	Tae-In Hyon	678-2938	8263

7590 11/26/2008

THE FARRELL LAW FIRM, P.C.
333 EARLE OVINGTON BOULEVARD
SUITE 701
UNIONDALE, NY 11553

EXAMINER	
BOST, DWAYNE D	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
11/26/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
11/28/2008 0030063974

Credit Card Refund Total: $950.00

Am Exp..: XXXXXXXXXXX1003

Adjustment date: 11/28/2008 NFARMER
01/22/2007 HLE333 00000009 11654852
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP
05 FC:1202 -250.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Law Offices of Daniel L. Dawes
5200 Warner Blvd., Ste. 106
Huntington Beach, CA 92649

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of :
Wytze van der Veer :
Application No. 11/654,873 : DECISION ON PETITION
Filed: January 17, 2007 : TO WITHDRAW
Attorney Docket No. UC1.PAU.97 : 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 2, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Joseph C. Andras, on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed to that of the inventor at the address of record. The address changed 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: Wytze van der Veer
82 Whitman Court
Irvine, CA 92617

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
11/654,873	01/17/2007	Wytze van der Veer	UC1.PAU.97

CONFIRMATION NO. 8944

POWER OF ATTORNEY NOTICE

Daniel L. Dawes
MYERS DAWES ANDRAS & SHERMAN LLP
19900 MacArthur Blvd., Suite 1150
Irvine, CA 92612

Date Mailed: 09/30/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/02/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT J. GABLER
21 ARTHURSBURG ROAD
LAGRANGEVILLE NY 12540

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NOV 10 2008

In re Application of :
GABLER, Robert J. :
Application No. 11/654,889 : DECISION ON PETITION
Filed: January 19, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 29, 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 inventor's driver's license as evidence that Robert J. Gabler is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3754 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
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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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/654,900	01/18/2007	3752	0.00	IMM-119US2	24	3

CONFIRMATION NO. 7837

54004
MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY
SUITE 1001
WESTBOROUGH, MA 01581

CORRECTED FILING RECEIPT

OC000000023126209

Date Mailed: 03/30/2007

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)

S. N. Bunker, Residence Not Provided;
Keith Richards, Residence Not Provided;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 11/492,672 07/25/2006
which is a CIP of 11/258,477 10/25/2005
which claims benefit of 60/708,017 08/12/2005
and is a CIP of 10/890,820 07/14/2004 PAT 7,098,672
which is a CIP of 10/818,434 04/05/2004 PAT 6,870,155
which is a CIP of 10/349,491 01/22/2003 PAT 6,828,795
which is a CIP of 10/295,039 11/14/2002 ABN
which is a CIP of 10/295,010 11/14/2002 PAT 6,861,646
which claims benefit of 60/363,485 03/12/2002
and claims benefit of 60/357,618 02/15/2002
and claims benefit of 60/357,394 02/15/2002
This application 11/654,900
is a CIP of 11/248,603 10/12/2005
which is a CIP of 10/890,820 07/14/2004 PAT 7,098,672 *
which is a CIP of 10/853,563 05/25/2004
which is a CIP of 10/818,434 04/05/2004 PAT 6,870,155
which is a CIP of 10/754,088 01/07/2004 PAT 6,888,128
which claims benefit of 60/473,649 05/28/2003
(*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted: 02/10/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/654,900

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Trace chemical particle release nozzle

Preliminary Class

239

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

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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J. Wiley Horton, Esq.
Pennington, Moore, Wilkinson, Bell & Dunbar
215 S. Monroe Street, 2nd Floor
Post Office Box 10095
Tallahassee, FL 32302-2095

COPY MAILED

AUG 22 2007

OFFICE OF PETITIONS

In re Application of :

Tracy Blackman :
Application No. 11/654,936 : DECISION ON PETITION
Filed: January 18, 2007 : TO WITHDRAW
Attorney Docket No. : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 16, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to John Willey Horton and attorneys/agents associated with the firm of Pennington, Moore, Wilkinson, Bell & Dunbar, has been revoked by the applicant of the patent application on June 1, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The power of attorney to William B. Noll filed on June 1, 2007 is accepted.

All future communications from the Office will continue to 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: Tracy Blackman
684 Red Fern Road
Havana, FL 32333

cc: William Noll
IP Consultant
402 Anemore Street
Panama City Beach, FL 32413

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BLANK ROME LLP
ONE LOGAN SQUARE
PHILADELPHIA PA 19103

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SEP 0 3 2008

OFFICE OF PETITIONS

In re Application of :
Sunny AHN et al. :
Application No. 11/654,966 : DECISION ON PETITION
Filed: January 17, 2007 :
Attorney Docket No. **125901-00114** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 23, 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 (Notice), mailed February 13, 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 April 14, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required drawings, fees, and oath or declaration, (2) the petition fee of $770, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of February 13, 2007 is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1115 extension of time fee submitted with the petition on July 23, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to the Office of Patent Application Processing.

Ramesh Krishnamurthy
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
www.uspto.gov

GORDON & JACOBSON, P.C.
60 LONG RIDGE ROAD
SUITE 407
STAMFORD CT 06902

In re Application of	:	
Sundaram Ravikumar	:	
Application No. 11/654,970	:	DECISION ON PETITION
Filed: January 18, 2007	:	TO WITHDRAW
Attorney Docket No. **RAV-032**	:	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 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 David P. Gordon on behalf of all attorneys of record who are associated with Customer No. 36822.

All attorneys/agents associated with the Customer No. 36822 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 Sundaram Ravikumar at the address list listed in the request.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Sundaram Ravikumar
265 Hardscrabble Road
Briarcliff Manor, NY 10510

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/654,970	01/18/2007	Sundaram Ravikumar	RAV-032

CONFIRMATION NO. 8575

POWER OF ATTORNEY NOTICE

36822
GORDON & JACOBSON, P.C.
60 LONG RIDGE ROAD
SUITE 407
STAMFORD, CT 06902

OC000000037245041

Date Mailed: 08/06/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/25/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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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CHARLES E. FROST, JR.
CHAMBERLAIN, HRDLICKA, WHITE,
WILLIAMS & MARTIN, P.C.
1200 SMITH STREET, SUITE 1400
HOUSTON, TX 77002

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DEC 0 3 2007

OFFICE OF PETITIONS

In re Application of :
Mark G. Gabriel :
Application No. 11/654,988 : DECISION ON PETITION
Filed: January 18, 2007 : TO WITHDRAW
Attorney Docket No. 007447-000000 : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R § 1.36(b), filed October 22, 2007.

The request is **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 E. Frost, Jr. sole attorney of record. Charles E. Frost, Jr. has been withdrawn.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

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
Petitions Examiner
Office of Petitions

cc: Mark G. Gabriel
12239 Fall River Pass Lane
Humble, TX 77345-4571

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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
11/654,988	01/18/2007	Mark J. Gabriel	007447-000000

CONFIRMATION NO. 8587

POWER OF ATTORNEY NOTICE

Charles E. Frost, Jr.
Chamberlain, Hrdlicka, White,
Williams & Martin, P.C.
1200 Smith Street, Suite 1400
Houston, TX 77002

Date Mailed: 11/30/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/22/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

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THE FARRELL LAW FIRM, P.C.
333 EARLE OVINGTON BOULEVARD
SUITE 701
UNIONDALE NY 11553

MAIL

NOV 05 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
PARK, DONG-WOOK, et al.
Application No. 11/655,053
Filed: January 18, 2007
Attorney Docket No. 678-2947

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 23, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

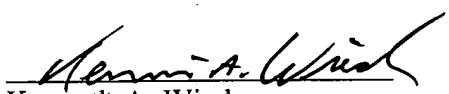
Petitioner has not complied with item 2 above in that although a translation of the claims has been submitted, the petition fails to include a copy of the actual allowable/patentable claims from the KIPO application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.



Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

THE FARRELL LAW FIRM, P.C.
333 EARLE OVINGTON BOULEVARD
SUITE 701
UNIONDALE NY 11553

In re Application of
PARK, DONG-WOOK, et al.
Application No. 11/655,053
Filed: January 18, 2007
Attorney Docket No. 678-2947

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 23, 2008 and November 14, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

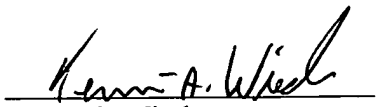
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.



Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/655,074	01/19/2007	Yukihito Ichikawa	131039	8897

7590 10/14/2009
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
WEDDLE, ALEXANDER MARION

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
10/14/2009	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: 10/14/2009 NFARMER 3012232600
DRN:150461 Name/Number:11655074
FC: 9204 $500.00 CR

Adjustment date: 10/14/2009 NFARMER
03/05/2007 MAHMED1 00000172 11655074
01 FC:1202 -50.00 OP

FORM PET651G (Rev. 08/07)

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Edward J. Stemberger
MANELLI DENISON & SELTER
2000 M STREET NW SUITE 700
WASHINGTON DC 20036-3307

MAY 14 2007

In re Application of: NAKHAMKIN	
Serial No.: 11/655123	DECISION ON PETITION TO
Filed: January 19, 2007	MAKE SPECIAL FOR NEW
Title: POWER AUGMENTATION OF COMBUSTION TURBINES BY INJECTION OF COLD AIR UPSTREAM OF COMPRESSOR	APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 26, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.
5. The petition must be filed with the application.

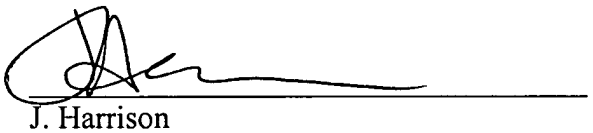
The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the petition was not filed with the application. Additionally, the application contains more than twenty total claims.

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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MANELLI DENISON & SELTER
2000 M STREET NW SUITE 700
WASHINGTON DC 20036-3307

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OCT 12 2007

OFFICE OF PETITIONS

In re Application of	:	
Michael Nakhamkin	:	
Application No. 11/655,123	:	DECISION ON PETITION
Filed: January 19, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 62-305	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 28, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3746 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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P.O. BOX 1450
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RALPH A. DOWELL OF DOWELL & DOWELL P.C.
2111 EISENHOWER AVE
SUITE 406
ALEXANDRIA VA 22314

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APR 06 2009

OFFICE OF PETITIONS

Applicant: Jou
Appl. No.: 11/655,131
Filing Date: January 19, 2007
Title: SKATE BOOT
Attorney Docket No.: 15649
Pub. No.: US 2008/0172906 A1
Pub. Date: July 24, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 11, 2008, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the inventor's name "Wern-Shiarng Jou " is misspelled as "Wern-Shiamg Jou".

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 misspelling of an inventor's name does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

On February 12, 2007 and May 2, 2007, Filing Receipts were mailed by the Office, which improperly listed the inventor's name. To avoid this type of problem in the future, applicant's

[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).

representative should make request a corrected filing receipt prior to publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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DON J. PELTO
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
1300 I STREET, NW
11TH FLOOR EAST
WASHINGTON, DC 20005

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JUL 01 2010

OFFICE OF PETITIONS

In re Application of
Schatten et al.
Application No. 11/655,146
Filed: January 19, 2007
Attorney Docket No. 14PY-129765

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)
: 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 December 9, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1) above.

A reference to add the above-noted, prior-filed applications on page one following the first sentence of the specification has been included in a concurrently filed amendment. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

> Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any

> disclosure from an earlier application. In re deSeversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. *See* In re deSeversky, *supra*. *Note also* MPEP 201.06(c).

Accordingly, before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) can be granted, a substitute amendment[1] deleting the incorporation by reference statement, along with a renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), 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:	(703) 872-9306 ATTN: Office of Petitions

Any questions concerning this matter may be directed to Alicia Kelley at (571) 272-6509.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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[1] *Note* 37 CFR 1.121

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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.
11/655,220	01/19/2007	Ju-Hyun Lee	302/043	9649

7590 11/04/2009

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER	
MISTRY, RAM A	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
11/04/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
11/05/2009 0333073440

Credit Card Refund Total: $700.00

Acct Exp...: XXXXXXXXXXX1001

Adjustment date: 11/05/2009 NFARMER
01/22/2007 SDENBOB1 00000023 11655220
02 FC:1111 -500.00 OP
04 FC:1202 -200.00 OP

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Michael Bednarek
c/o SHEARMAN & STERLING, LLP
Suite 900
801 Pennsylvania Avenue, N.W.
Washington, DC 20004-2634

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OFFICE OF PETITIONS

In re Application of
Daniel Tremblay, et. al.
Application No. 11/655,236
Filed: January 19, 2007
Attorney Docket No. RIT0006-US

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40, filed September 23, 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 Asian Baghdadi on behalf of himself and all attorneys/agents associated with Customer No. 36183. Therefore, Asian Baghdadi and all the attorneys/agents associated with Customer No. 36183 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

The request to change the correspondence of record is not acceptable[1] 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 continue to be directed to the above listed address until otherwise properly notified by the applicant.

This application is being referred to Technology Center Art Unit 3711 to await a response the Notice of Allowance and Fee(s) Due/Notice of Allowability mailed September 30, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Mega Brands, Inc.
4505 Hickmore
Montreal Quebec H4T 1K4
CANADA

[1] The Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (*See* USPTO Form PTO/SB/82).

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APR 15 2009

Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

In re application of Atsushi Tabata et al. Application No. 11/655,240 Filed: January 19, 2007 For: DRIVE APPARATUS FOR VEHICLE AND METHOD OF CONTROLLING DRIVE APPARATUS FOR VEHICLE	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 8, 2009, to make the above-identified application special.

The request and petition are **DISMSSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the Office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail to include:

(3) all claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

The claims of the US application do not sufficiently correspond or have been amended to sufficiently correspond to the allowable/patentable claims in the JPO application. There are no claims in the JPO application which substantially correspond to U.S. application claims 3, 10, 11, 14-17 and 19-20. The PPH program guidelines require that all claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the JPO application. Since there are no JPO claim that corresponds to US claims 3, 10, 11, 14-17 and 19-20, the PPH petition fails meet the guidelines of the PPH program.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 4/10/09

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MAY 08 2009

Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

In re application of Atsushi Tabata et al. Application No. 11/655,240 Filed: January 19, 2007 For: DRIVE APPARATUS FOR VEHICLE AND METHOD OF CONTROLLING DRIVE APPARATUS FOR VEHICLE	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed May 7, 2009, to make the above-identified application special.

The request and petition are **DISMSSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the Office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

A first request to participated in the PPH program and petition to make special was filed on April 8, 2009. However, that request and petition was dismissed on April 15, 2009 because all the claims in the U.S. application did not sufficiently correspond or were amended to sufficiently correspond to the allowable/patentable claims in the JPO application.

In light of the preliminary amendment filed May 7, 2009, the renewed request and petition now comply with the above requirements. Accordingly, the above identified application has been accorded "special" status.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 5/8/09

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MAY 14 2009

Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

In re application of Atsushi Tabata et al. Application No. 11/655,240 Filed: January 19, 2007 For: DRIVE APPARATUS FOR VEHICLE AND METHOD OF CONTROLLING DRIVE APPARATUS FOR VEHICLE	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed May 7, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the Office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

A first request to participated in the PPH program and petition to make special was filed on April 8, 2009. However, that request and petition was dismissed on April 15, 2009 because all the claims in the U.S. application did not sufficiently correspond or were amended to sufficiently correspond to the allowable/patentable claims in the JPO application.

In light of the preliminary amendment filed May 7, 2009, the renewed request and petition now comply with the above requirements. Accordingly, the above identified application has been accorded "special" status.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 5/8/09

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TECHNOLOGY CENTER 2600

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of
MIN, KYOUNG JUNE, et al.
Application No. 11/655,244
Filed: January 19, 2007
Attorney Docket No. Q98596

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed September 17, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with item 2 above in that although a translation of the claims has been submitted, the petition fails to include a copy of the actual allowable/patentable claims from the KIPO application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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DIRECTOR'S OFFICE
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of
MIN, KYOUNG JUNE, et al.
Application No. 11/655,244
Filed: January 19, 2007
Attorney Docket No. Q98596

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed September 17, 2008, and January 7, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
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OFFICE OF PETITIONS

In re Application of	:	
Raju et al.	:	DECISION ON PETITION
Application No. 11/655,271	:	TO WITHDRAW
Filed: January 19, 2007	:	FROM RECORD
Attorney Docket No. 21068/0207077-US0	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed November 16, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by James Hanft on behalf of all attorneys of record who are associated with Customer No. 07278.

All attorneys/agents associated with Customer Number 07278 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Honeywell International Inc.
101 Columbia Road
Morristown, NJ 07960

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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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THOMAS R. LAMPE
BIELEN, LAMPE & THOEMING
1390 WILLOW PASS ROAD, SUITE 1020
CONCORD CA 94520

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JUN 0 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Julius Domotor	:	
Application No. 11/655,303	:	DECISION ON PETITION
Filed: January 19, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. DOMOTOR #3	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 19, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant declaring that he is 65 years of age older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2854 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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ABSOLUTE TECHNOLOGY
LAW GROUP LLC
135 W. WELLS ST.
SUITE 518
MILWAUKEE, WI 53203

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OFFICE OF PETITIONS

In re Application of	:	
Carol TURNER	:	
Application No. 11/655,305	:	DECISION ON PETITION
Filed: January 19, 2007	:	TO WITHDRAW
Attorney Docket No. TURNER-0107	:	FROM RECORD
	:	

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, 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 Jill Gilbert Welytok 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: CAROL TURNER
5955 N. 62ND STREET
MILWAUKEE, WI 53218

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UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/655,305	01/19/2007	Carol Turner	TURNER-0107

CONFIRMATION NO. 8843

POWER OF ATTORNEY NOTICE

57520
ABSOLUTE TECHNOLOGY LAW GROUP LLC
135 W. WELLS ST.
SUITE 518
MILWAUKEE, WI 53203

Date Mailed: 07/31/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/30/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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JUN 10 2010

OFFICE OF PETITIONS

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

In re Application of :
Pradeep Sanghvi, et al. :
Application No. 11/655,376 : ON PETITION
Filed: January 19, 2007 :
Attorney Docket No.: 1199-49 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 20, 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 October 16, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). In view of the 2-month extension of time on March 16, 2010, the application became abandoned on March 17, 2010. This decision precedes the mailing of a Notice of Abandonment.

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) under 37 CFR 1.114, including the fee of $405; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, the $310 extension fees included with this petition will be credited to counsel's deposit account.

This application is being referred to Technology Center AU 1782 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment filed on March 16, 2010 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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MUELLER AND SMITH, LPA
MUELLER-SMITH BUILDING
7700 RIVERS EDGE DRIVE
COLUMBUS OH 43235

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JUL 11 2007

OFFICE OF PETITIONS

In re Application of

SIMPSON, Rodney J.
Application No. 11/655,439
Filed: January 19, 2007
Attorney Docket No. **ONE 2-071**

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 27, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **RODNEY J. SIMPSON**
2273 KANE LANE
BATAVIA, IL 60510

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COLUMBUS, OH 43235

In re Application of :
SIMPSON, Rodney J. :
Application No. 11/655,439 : DECISION ON PETITION
Filed: January 19, 2007 : TO WITHDRAW
Attorney Docket No. **ONE 2-071** : FROM RECORD
:

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 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 Jerry K. Mueller, Jr. on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Rodney J. Simpson 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.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **RODNEY J. SIMPSON**
2273 KANE LANE
BATAVIA, IL 60510

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/655,439	01/19/2007	Rodney J. Simpson	ONE 2-071

CONFIRMATION NO. 8830

OC000000025553240

266
MUELLER AND SMITH, LPA
MUELLER-SMITH BUILDING
7700 RIVERS EDGE DRIVE
COLUMBUS, OH 43235

Date Mailed: 08/24/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/23/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Michelle R. Eason

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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GORDON & JACOBSON
SUITE 407
60 LONG RIDGE ROAD
STAMFORD, CT 06902

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OFFICE OF PETITIONS

In re Application of :
Sundaram Ravikumar :
Application No. 11/655,450 : DECISION ON PETITION
Filed: January 19, 2007 : TO WITHDRAW
Attorney Docket No. RAV-033 : FROM RECORD
:

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 25, 2009.

The request is **APPROVED**.

The request was signed by David P. Gordon on behalf of the practitioners of record associated with Customer Number 36822.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Sundaram Ravikumar at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Sundaram Ravikumar
265 Hardscrabble Road
Briarcliff Manor, NY 10510

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EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

Mail Date: 05/10/2010

Applicant	: Michael C. Clark	: DECISION ON REQUEST FOR
Patent Number	: 7645913	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/655,452	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **144** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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EATON CENTER
1111 SUPERIOR AVENUE
CLEVELAND, OH 44114

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OFFICE OF PETITIONS

In re Application of :
David K. **GILL, et al.** :
Application No. 11/655,462 :
Filed: January 19, 2007 :
Attorney Docket No. **05-MPD-156** :

DECISION ON PETITION
Under 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed August 18, 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 Restriction Requirement, mailed December 31, 2007, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 1, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election; (2) the petition fee of $1540; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

The application is being referred to Technology Center Art Unit 1791 for consideration of the election filed August 18, 2008.

Brian W. Brown
Petitions Examiner
Office of Petitions

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LAW OFFICES OF ANDREW SCHROEDER
P.O. BOX 6731
SANTA MARIA CA 93454

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OFFICE OF PETITIONS

In re Application of :
James H. BECK :
Application No. 11/655,466 : DECISION ON PETITION
Filed: January 18, 2007 :
Attorney Docket No. **1SQJB020** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 14, 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 of Nonprovisional Application (Notice), mailed February 16, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. A one (1) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on May 17, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1) in that payment submitted was insufficient. The fee required for a petition for revival is currently $810. The petitioner has paid $770 and the balance of $40 is due now.

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: **ANDREW Y. SCHROEDER**
1177 MARCH STREET
SUITE 100
SAN LUIS OBISPO CA 93401

Document Code: IMIS

Notice of Fee Due

Date: 1-16-09

Application Number: 11/655,466

A fee is due for the attached document for the reason indicated below. Please check the application for the appropriate authorization to charge a deposit account. If an authorization is present, please charge the appropriate fee*. If an authorization is not present, notify the application of the fee deficiency.

***If the fee due is for any of the filing fees, check for authorization to charge the surcharge. If authorization is present, charge the surcharge for late payment of the filing fees as well.**

- ☑ Insufficient payment by check or money order.
- ☐ Insufficient funds in deposit account _____ at _____:_____ (time).
- ☐ Insufficient payment by credit card.
- ☐ Declined credit card.
- ☑ No authorization to charge a deposit account.

Fee code(s) to be applied:	2453	@ 810.00
Amount in holding fee code:	1506	
	1622/2622	
	1999	@ 770
Total remaining due from applicant:		@ 40.00

RAM Operator IKB

Rev. 12/27/07

Document Code: IMIS

Notice of Fee Due

Date: 1-16-09

Application Number: 11/655,466

A fee is due for the attached document for the reason indicated below. Please check the application for the appropriate authorization to charge a deposit account. If an authorization is present, please charge the appropriate fee*. If an authorization is not present, notify the application of the fee deficiency.

***If the fee due is for any of the filing fees, check for authorization to charge the surcharge. If authorization is present, charge the surcharge for late payment of the filing fees as well.**

- ☑ Insufficient payment by check or money order.
- ☐ Insufficient funds in deposit account _____ at ____:_____ (time).
- ☐ Insufficient payment by credit card.
- ☐ Declined credit card.
- ☑ No authorization to charge a deposit account.

Fee code(s) to be applied:	2453	@ $810.00
Amount in holding fee code:	1506	
	1622/2622	
	1999	@ 770
Total remaining due from applicant:		@ 40.00

RAM Operator YCB

Rev. 12/27/07

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1-16-08

DAC IFW

PTO/SB/64 (01-08)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it 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): 1SQJB020

First named inventor: James Hans Beck

Application No.: 11655.466 Art Unit: 2161

Filed: 1.18.2007 Examiner:

Title: Comprehensive workflow management system for creating and managing closed-loop tasks for businesses and organizations

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 $ 770 (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.

01/16/2009 HBLAHCO 00000021 11655466
01 FC:1999 770.00 OP

B. The issue fee and publication fee (if applicable) of $ _____
☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☑ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Andrew Y. Schroeder — Signature

1-14-2009 — Date

ANDREW Y. SCHROEDER, Esq. — Typed or printed name

53,565 — Registration Number, if applicable

1177 Marsh Street, Suite 100 San Luis Obispo, CA., — Address

805-541-5575 — Telephone Number

93401 — 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.

1.14.2009 — Date

Andrew Y. Schroeder — Signature

ANDREW Y. SCHROEDER, Esq. — Typed or printed name of person signing certificate

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 11655466 Total Records Found: 5

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
01/16/2009	00000033	1	1999	$770.00	01/14/2009	CK
05/18/2007	00000001	1	2251	$60.00	05/15/2007	CK
01/22/2007	00000267	1	2011	$150.00	01/18/2007	CK
01/22/2007	00000268	1	2111	$250.00	01/18/2007	CK
01/22/2007	00000269	1	2311	$100.00	01/18/2007	CK

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUL 01 2010

OFFICE OF PETITIONS

LAW OFFICES OF ANDREW SCHROEDER
P.O. BOX 6731
SANTA MARIA CA 93454

In re Application of :
James H. BECK :
Application No. 11/655,466 : DECISION ON PETITION
Filed: January 18, 2007 :
Attorney Docket No. **1SQJB020** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 2009, to revive the above-identified application

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed February 16, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. A one (1) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on May 17, 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 to the claims that does not require additional fees, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of February 16, 2007 is accepted as having been unintentionally delayed.

The Terminal Disclaimer filed on July 14, 2009 is unnecessary and has not been considered on its merits.

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) 571-272-2783

This application is being referred to the Office of Patent Application Processing.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **ANDREW Y. SCHROEDER**
1177 MARCH STREET
SUITE 100
SAN LUIS OBISPO CA 93401

OIPE
JUL 14 2009
PATENT & TRADEMARK OFFICE

PTO/SB/22 (03-09)
Approved for use through 04/30/2009. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARMENT 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 EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2009 *(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)*	Docket Number (Optional) 1SQJHB020
Application Number 11/655,466	Filed 1.18.2007
For JAMES HANS BECK	
Art Unit ART ###	Examiner EXAMINER NAME

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
☐ One month (37 CFR 1.17(a)(1))	$130	$65	$
☑ Two months (37 CFR 1.17(a)(2))	$490	$245	$ 245
☐ Three months (37 CFR 1.17(a)(3))	$1110	$555	$
☐ Four months (37 CFR 1.17(a)(4))	$1730	$865	$
☐ Five months (37 CFR 1.17(a)(5))	$2350	$1175	$

☑ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____.

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.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☑ attorney or agent of record. Registration Number 53,565

☐ attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

A. Sch

Signature

7-8-09

Date

Andrew Y. Schroeder

Typed or printed name

(805) 541-5575

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). 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 6 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.

07/14/2009 CCHAU1 00000076 11655466

01 FC:2252 245.00 OP

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 11655466 Total Records Found: 9

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
07/14/2009	00000126	1	1999	$65.00	07/14/2009	CK TD 100 fully paid
07/14/2009	00000125	1	2453	$810.00	07/14/2009	CK PET Paid
07/14/2009	00000124	1	2252	$245.00	07/14/2009	CK ext. refund
07/14/2009	00000123	1	1999	-$770.00	01/14/2009	OP
01/16/2009	00000033	1	1999	$770.00	01/14/2009	CK
05/18/2007	00000001	1	2251	$60.00	05/15/2007	CK
01/22/2007	00000269	1	2311	$100.00	01/18/2007	CK
01/22/2007	00000268	1	2111	$250.00	01/18/2007	CK
01/22/2007	00000267	1	2011	$150.00	01/18/2007	CK

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

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

MAILED

JUL 08 2010

OFFICE OF PETITIONS

In re Application of :
Steven N. Popoff, et al. :
Application No. 11/655,472 : DECISION ON PETITION
Filed: January 19, 2007 :
Attorney Docket No. 50513/002001 :

This is a decision on the petition, filed May 7, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of August 21, 2009, which set a three (3) month shortened statutory period for reply. A reply was due on or before November 21, 2009.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on February 22, 2010 of, *inter alia,* amendment with drawings, an affidavit declaration and a three month extension of time. The original reply is now in the file.

In view of the above, the holding of abandonment is hereby **withdrawn** and the application **restored to pending status**.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3632 for appropriate action in the normal course of business on the reply received with petition.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/6/09 Paper No.: _____

TO SPE OF : ART UNIT 2828

SUBJECT : Request for Certificate of Correction for Appl. No.: 11655485 Patent No.: 7450626

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

Valerie Jackson
Certificates of Correction Branch
703-308-9390 ext. 114

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [X] **Approved** — All changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

MINSUN OH HARVEY
PRIMARY EXAMINER
SPE

2828
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : April 03, 2008

TO SPE OF : ART UNIT 2872

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/655512 Patent No.: 7271952 B2

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within **7** days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☐ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☒ **Denied**	State the reasons for denial below.

Comments: Applicant has not fulfilled the requirements under MPEP 201.11 and 347 CFR 1.78 to receive priority, which include the specification being amended to contain such reference in the first sentence(s) of the specification following the title. Therefore the request is denied.

RICKY MACK
SUPERVISORY PATENT EXAMINER

SPE

for 2872
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed : 05/21/08

Patent No. : 7271952 B2
Patent Issued : 09/18/07
Docket No. : **13281/38**

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.

Respecting the alleged errors in the documents filed on 01/10/08; please see attachment. **"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."**

In view of the foregoing, your request in this matter is hereby denied.

Lamonte M. Newsome

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 305-8309 or (703)-308-9390 #112

John C. Altmiller, Esq.
Kenyon & Kenyon
Suite 700
1500 K Street, N.W.
Washington DC 20005-1257

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : April 03, 2008

TO SPE OF : ART UNIT 2872

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/655512 Patent No.: 7271952 B2

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within **7** days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

You can fax the Director/SPE response to 571-270-9950

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☐ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☒ **Denied**	State the reasons for denial below.

Comments: Applicant has not fulfilled the requirements under MPEP 201.11 and 347 CFR 1.78 to receive priority, which include the specification being amended to contain such reference in the first sentence(s) of the specification following the title. Therefore the request is denied.

RICKY MACK
SUPERVISORY PATENT EXAMINER

SPE

for 2872
Art Unit

PAGE 2/2 * RCVD AT 5/19/2008 9:27:38 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/8 * DNIS:2709990 * CSID: * DURATION (mm-ss):01-30

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

Gregory P. Gadson, Esq.
19375 Amber Way
Noblesville, IN 46060

MAILED

JUL 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Mangesh Krishnarao Honwad	:	
Application No. 11/655,531	:	DECISION ON PETITION
Filed: January 19, 2007	:	TO WITHDRAW
Attorney Docket No. Impact Systems 2006-1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 26, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Gregory P. Gadson 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 Gregory P. Gadson at the address indicated below.

There is an outstanding Office action mailed March 25, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Mangesh K. Honwad**
110 Millbrook Drive
Chadds Ford, PA 19317-9292

cc: **Mangesh K. Honwad**
c/o Impact Systems, Inc.
100 W. Rockland Road, Suite H
P.O. Box 66
Montchanin, DE 19710-0066

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
11/655,531	01/19/2007	Mangesh Krishnarao Honwad	Impact Systems 2006-1

CONFIRMATION NO. 1167

Gregory P. Gadson, Esq.
19375 Amber Way
Noblesville, IN 46060

POWER OF ATTORNEY NOTICE

OC000000036778794

Date Mailed: 07/02/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/26/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/655,537	01/19/2007	Shih-Yuan Wang	200401161	9040

7590 04/22/2008

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER	
CHIU, TSZ K	

ART UNIT	PAPER NUMBER
2822	

NOTIFICATION DATE	DELIVERY MODE
04/22/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 04/21/2008 DTERRY
01/22/2007 HLE333 00000052 11655537
02 FC:1111 500.00 CR 082025
04 FC:1202 350.00 CR

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.
11/655,537	01/19/2007	Shih-Yuan Wang	200401161	9040

22879 7590 04/22/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER	
CHIU, TSZ K	
ART UNIT	**PAPER NUMBER**
2822	

NOTIFICATION DATE	DELIVERY MODE
04/22/2008	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):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

Notice of Abandonment	Application No.	Applicant(s)	
	11/655,537	WANG, SHIH-YUAN	
	Examiner	Art Unit	
	KIMBERLY A. TERRELL	3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.

   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☒ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

/Kimberly Terrell/
Office of Data Management
571-272-4200

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/12/10

TO SPE OF : ART UNIT 1626

SUBJECT : Request for Certificate of Correction for Appl. No.: 11655538 Patent No.: 7678818

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: IT IS OK TO APPROVE THIS COC.

Joseph K. McKane 1626

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/655,539	01/19/2007	Guido Galley	23462	9059

151 7590 06/07/2010

HOFFMANN-LA ROCHE INC.
PATENT LAW DEPARTMENT
340 KINGSLAND STREET
NUTLEY, NJ 07110

EXAMINER	
CARTER, KENDRA D	

ART UNIT	PAPER NUMBER
1627	

MAIL DATE	DELIVERY MODE
06/07/2010	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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JUN 07 2010

Kimberly J. Prior
HOFFMANN-LA ROCHE INC.
PATENT LAW DEPARTMENT
340 KINGSLAND STREET
NUTLEY NJ 07110

In re Application of	:
Galley et al	:
Serial No.: 11/655,539	:Decision on Petition
Filed: 19 January 2007	:
Attorney Docket No.: 23462	:

This letter is in response to the Petition filed under 37 C.F.R. 1.144 filed on 31 March 2010 requesting withdrawal of the restriction requirement. This petition was only recently forwarded to the deciding official. The resulting delay in this decision is regretted.

BACKGROUND

This application was filed under 35 U.S.C. 111(a) and as such is subject to US restriction practice.

On 19 August 2009, the examiner mailed a restriction requirement in which the original claims 1-21 were divided into 3 groups as follows:

I. Claims 1-14, are drawn to a method for the treatment of a disorder comprising administering a compound of formula I, classified in class 514, subclass 400 for example.

II. Claims 15-20, are drawn to a compound of formula I, classified in class 548, subclass 300.1 for example.

III. Claim 21, is drawn to a composition comprising a compound of formula I, classified in class 424, subclass 400 for example.

On 16 September 2009, Applicants elected Group II, Claims 15-20, drawn to a compound of formula I, with traverse.

On 27 November 2009, the examiner considered the traversal and made the restriction requirement final. The Examiner withdrew claims 1-14 and 21 from consideration. Claims 15-20 were examined.

On 31 March 2010, applicants filed a response to the Office action and this petition to request that the Office withdraw the restriction requirement between Group II (claims 15-20) and Group III (Claim 21).

DISCUSSION

The petition and file history have been carefully considered.

In the restriction requirement, the examiner stated that Groups II and Group III are related as product and process. This is incorrect. Claim 21 of Group III is not drawn to a process.

Claims 15 and 21 from examined Group II and non-examined Group III both require the compound of Formula I. Claim 21 differs from claim 15 because it is directed to a pharmaceutical composition comprising a therapeutically effective amount of the compound of formula I along with a pharmaceutically acceptable carrier. Claim 15 is directed to the compound itself. As such, Claim 15 and Claim 21 may be considered to be related as subcombination (compound) and combination (composition).

MPEP 806.05(c) provides guidance on the two-way test for distinction between combination and subcombination inventions.

> The inventions are distinct if it can be shown that a combination as claimed:
> (A) does not require the particulars of the subcombination as claimed for patentability (to show novelty and unobviousness), and
> (B) the subcombination can be shown to have utility either by itself or in another materially different combination.

Here, applicants are correct that claim 21, drawn to the composition, does require the particulars of the compound of Claim 15 for patentability. Claim 21 specifically requires the compound of Formula I of Claim 15. Thus, the composition Claim 21 is not patentably distinct from the compound of Claims 15-20.

DECISION

The petition is **GRANTED** for the reasons set forth above.

The Office action mailed on 27 November 2009 has been vacated as incomplete because claim 21 was not examined.

The restriction requirement between Group II and III is withdrawn. Claim 21 is rejoined with the claims already under examination (Claims 15-20), and said claims will be examined together.

The application will be forwarded to the examiner for consideration of the papers filed 31 March 2010 and for the preparation of an Office action consistent with this decision which addresses Claims 15-21.

Should there be any questions about this decision, please contact Quality Assurance Specialist Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0512 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Remy Yucel
Director, Technology Center 1600

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

MAILED

MAY 20 2009

OFFICE OF PETITIONS

In re Application of
HOLGER ZIMMERMANN ET AL.
Application No. 11/655,589
Filed: January 19, 2007
Attorney Docket No. 584212003901

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 18, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 25225 has been revoked by the Assignee of the patent application on April 14, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272- 4584.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

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Susan Araiza-Boys
P.O. Box 1096
Bella Vista CA 96008

COPY MAILED

OCT 12 2007

OFFICE OF PETITIONS

In re Application of :
Araiza-Boys : ON PETITION
Application No. 11/655,597 :
Deposited: January 18, 2007 :
Atty Docket No. N/A :
For: IN HOME MULTI DISASTER ALARM SYSTEM

This is in response to the correspondence filed on April 10, 2007, entitled, "Re: 37 CFR 1.57(a) PRIORITY BENEFIT CLAIM UNDER 37 CFT 1.78 PATENT APPLICATION #11/655,597." The correspondence requests, in essence, that the above-referenced application be accorded a filing date of January 18, 2007 and a refund of the enclosed $400.00 petition fee.

The correspondence will be treated as a petition under 37 CFR 1.53(e).

The petition is **granted.**

Application papers in the above-identified application were deposited on January 18, 2007. However, on February 16, 2007, the Initial Patent Examination Division mailed applicant a "Notice of Incomplete Nonprovisional Application," notifying applicant *inter alia* that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, applicant filed the present petition. In which, applicant asserts that the three pages of drawings were included with the application papers filed on January 18, 2007. Unfortunately, petitioner has not provided adequate evidence that the three figures were filed on January 18, 2007. The Utility Paten Application Form at best is an indication that

applicant intended to file 3 sheets of drawings. Applicant has not provided her copy of an Office date stamped itemized post card receipt. Therefore, petitioner has not carried the burden of proving that the drawings were filed on January 18, 2007 and later misplaced in the Office.

Next, pursuant to 37 C.F.R. § 1.57(a), applicant requests to preserve the filing date of January 18, 2007 by submitting a copy of the drawings as contained in a prior filed provisional application. Applicant states priority was claimed to this provisional application when the present nonprovisional application was filed. The undersigned has confirmed this assertion.

Petitioner's arguments and evidence have been considered. However, relief will be granted based on the presence of method claims in the application as filed, as opposed to being based on a Rule 57(a)(3) petition.

MPEP 601.01(f), provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date if a method claim is present. It is controlling that a review of the application confirms that as filed the application contained at least one method claim. Thus, the application is entitled to a filing date without drawings present in the application.

To the extent the instant petition requests a filing date of January 18, 2007, the petition is **GRANTED**. No Rule 57(a)(3) petition is required to obtain a January 18, 2007 filing date for the application, as filed.

If applicant wishes to rely on § 1.57(a)(1) to enter the drawing figures, then applicant must submit a **formal amendment** in compliance with §§ 1.57 and 1.121 within **TWO (2) MONTHS** of the mailing date of this decision. This period is not extendable. See 37 CFR 1.181(f), 37 CFR 1.57(f) and MPEP 608.01(p). This amendment will be considered by the examiner.

Given the basis for granting this petition, the petition fee is being refunded via a treasury check that will be scheduled shortly.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. Pursuant to this decision, the application has been referred to OIPE for **correction of the filing date to January 18, 2007** and **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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	: William C. Sanford	: DECISION ON REQUEST FOR
Patent Number	: 7645980	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/655,632	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

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10-27-08

Patent No. : 7,390,802
Ser. No. : 11/655,637
Inventor(s) : Han Qi, et. al.
Issued : June 24, 2008
Title : SUBSTITUTED LACATAMS AS INHIBITORS OF ABETA PROTEIN PRODUCTION
Docket No. : BMS-PH-7164.3(C)(D)

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40l Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 124** or 125

Bristol-Myers Squibb Company
Patent Department, P.O. Box 4000
Princeton, NJ 08543-4000