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ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

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AUG 2 9 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of
Meyer et al.
Application No. 11/655,654
Filed: January 19, 2007
Attorney Docket No. 035718/320589

This is a decision on the petition, filed June 13, 2008, 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 to withdraw the holding of abandonment is **GRANTED**.

This application became abandoned for failure to timely submit a response to the Notice to File Missing Parts mailed February 6, 2007. The Notice set an extendable 2 month period for reply. No extensions of time pursuant to 37 CFR 1.136(a) were obtained. Accordingly, this application was held abandoned on April 7, 2007. A Notice of Abandonment was mailed on May 20, 2008.

Petitioner asserts that the Notice to File Missing Parts mailed on February 6, 2007 was never received. A review of the record indicates the Notice to File Missing Parts while addressed properly was returned to the Office. As such there was an irregularity in the mailing of the Notice to File Missing Parts which prevented petitioner from receiving the office communication.

Further review of the record shows that a reply to the Notice to File Missing Parts has been submitted on petition. As such the application is being forwarded to the Office of Patent Application processing for review of the reply submitted on petition.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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PVF -- APPLE INC.
c/o PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 04/21/2010

Applicant	: Jeffry E. Gonion	: DECISION ON REQUEST FOR
Patent Number	: 7624251	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/655,656	: 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 **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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OFFICE OF PETITIONS

Edwin L. Hartz
619 Main Street
Grand Junction CO 81501

In re Application of
Fante and Holcomb
Application No. 11/655,669
Filed: January 19, 2007
Attorney Docket No. F14:1049
For: PRISM FOR ERGONOMIC POSITION

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

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

The petition is **GRANTED**.

The above-identified application was filed on January 19, 2007 and was not accompanied by a properly executed oath or declaration. The instant petition was also filed on January 19, 2007, stating that inventor Holcomb has refused to join the prosecution of the application.

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

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

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

This application will be directed to the Office of Patent Application Processing for further review.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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TIAJOLOFF & KELLY
CHRYSLER BUILDING, 37TH FLOOR
405 LEXINGTON AVENUE
NEW YORK NY 10174

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SEP 26 2007

OFFICE OF PETITIONS

In re Application of Barone et al. Application No. 11/655,672 Filed: January 19, 2007 Attorney Docket No. 57549-0115	: : : : :	DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, March 8, 2007, to correct the spelling of the name of inventor "Jason Brietfeller" to – Jason O. Breitfeller --.

The petition is Dismissed as Moot.

A review of the record shows that the changes to inventor Jason Brietfeller's name have been entered with the submission of the first executed declaration.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3215.

The matter is being referred to Art Unit 2154 for further processing.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

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GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN TX 78716-0727

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Flake et al.	:	
Application Number: 11/655685	:	DECISION ON PETITION
Filing or 371(c) Date: 01/19/2007	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket Number: BP5817	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed on December 4, 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 Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2432 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Anthony Knight
Supervisor
Office of Petitions

Encl: 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
11/655,685	01/19/2007	2432	1150	BP5817	23	3

CONFIRMATION NO. 8739

CORRECTED FILING RECEIPT

51472
GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN, TX 78716-0727

OC000000034922222

Date Mailed: 03/16/2009

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)

Lance Flake, Longmont, CO;
Brent Mulholland, Boulder, CO;

Assignment For Published Patent Application

Broadcom Corporation, a California Corporation, Irvine, CA

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/885,019 01/16/2007
and claims benefit of 60/879,950 01/11/2007

Foreign Applications

If Required, Foreign Filing License Granted: 02/12/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/655,685**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Data scrambling circuit

Preliminary Class

713

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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NEWPORT BEACH CA 92660

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APR 12 2007

OFFICE OF PETITIONS

In re Application of
Denise R. Barbut
Application No. 11/655,701
Filed: January 18, 2007
Attorney Docket No. 161,700-129

: DECISION GRANTING PETITION

This is a decision on the petition filed March 8, 2007, under 37 CFR 1.10(d), requesting a corrected filing date of January 18, 2007, instead of the presently accorded filing date of January 19, 2007.

Petitioners acknowledge that the date of the deposit in Express Mail shown on petitioners' Express Mail receipt is January 19, 2007, but allege United States Postal Service (USPS) error and argue that the application was actually deposited with the USPS on January 18, 2007.

In support of the petition seeking to have January 18, 2007 accorded as the filing date, petitioners have provided a copy from the USPS Internet Track & Confirm Database which shows an acceptance date of January 18, 2007 at 6:15pm. Additionally, a copy of the register receipt from the USPS is dated January 18, 2007.

The evidence provided corroborates that the item bearing Express Mail Label No. EV911317187US was presented for mailing on January 18, 2007 and not on January 19, 2007. In view thereof, it is concluded that the application is entitled to a filing date of January 18, 2007.

The petition is **GRANTED**. In view thereof, no petition fees are due and none have been charged.

This matter is being referred to the Office of Initial Patent Examination for correction of the filing date to January 18, 2007 and not January 19, 2007, and for issuance of a corrected filing receipt.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorne
Office of Petitions

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OFFICE OF PETITIONS

Ted M. Anthony
Post Office Drawer 3408
Lafayette LA 70502

In re Application of
Ronald J. Thibodaux
Application No. 11/655,719
Filed: January 19, 2007
Attorney Docket No.

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 16 , 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to file a proper reply to the final Office action mailed July 29, 2008, which set a three (3) month shortened statutory period for reply. The application became abandoned on December 30, 2008. A Notice of Abandonment was mailed on March 9, 2009.

The Notice of Appeal, filed March 16, 2009, has been entered and made of record. Accordingly, the two-month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.

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

The request to change the correspondence address of record cannot be entered because 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 file is being forwarded to Technology Center 3600, GAU 3617 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:
Ted Anthony
PO Box 52169
Lafayette, Louisiana 70505

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/655,771	01/19/2007	Chung-Ryul Chang	678-2958	8537

7590 08/28/2009
THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

EXAMINER
NGUYEN, HAI V

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
08/28/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
09/02/2009 NFARMER 0000158674

CHECK Refund Total: $850.00

Adjustment date: 09/02/2009 NFARMER
04/17/2007 CNGUYEN2 00000026 11655771
02 FC:1111 -500.00 OP
05 FC:1201 -200.00 OP
06 FC:1202 -150.00 OP

FORM PET651G (Rev. 08/07)

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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	: Pierre Caubet	: DECISION ON REQUEST FOR
Patent Number	: 7667173	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/655,773	: 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 **404** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

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APR 1 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Manuel Arranz DEL ROSAL, et al	:	
Application No. 11/655,781	:	DECISION ON PETITION
Filed: January 19, 2007	:	TO WITHDRAW
Attorney Docket No. 34788-502CON2	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 25, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 Carl A. Kukkonen III on behalf of the attorneys of record associated with Customer No. 64046.

The attorneys of record associated with Customer No. 64046 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 the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MANUEL ARRANZ DEL ROSAL
600 CANYON DRIVE
GLENDALE, CA 91206

cc : LAW OFFICE OF SCOTT C. HARRIS INC.
P.O. BOX 1389
RANCHO SANTA FE, CA 92067

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MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO, PC
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BOSTON, MA 02111

MAILED

JUL 06 2009

OFFICE OF PETITIONS

In re Application of
Manuel Arranz Del ROSAL, et al.
Application No. 11/655,782
Filed: January 19, 2007
Attorney Docket No. **34788-502-CON3**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 25, 2009.

The request is **APPROVED**.

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

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

All future communications from the Office will be directed to the first named signing inventor Manuel Rosal 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: **MANUEL ARRANZ DEL ROSAL**
600 CANYON DRIVE
GLENDALE, CA 91206

cc: **LAW OFFICE OF SCOTT C HARRIS**
P.O. BOX 1389
RANCHO SANTA FE, CA 92067-138

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

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

MAILED

MAY 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Pomerantz et al.	:	
Application No. 11/655786	:	
Filing or 371(c) Date: 01/19/2007	:	ON PETITION
Attorney Docket Number: 18989US02	:	

This is a notice regarding request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

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

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

COPY MAILED

MAY 29 2009

OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Rosal et al.	:	TO WITHDRAW
Application No. 11/655,788	:	FROM RECORD
Filed: January 19, 2007	:	
Attorney Docket No. 34788-502-CON1	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 25, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted herein cannot be approved at this time since the Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b).

The request asks for the correspondence address to be changed to Customer Number 74162. However, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

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

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to 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 AU 3753.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ONE FINANCIAL CENTER
BOSTON, MA 02111

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APR 1 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Manuel Arranz DEL ROSAL, et al	:	
Application No. 11/655,791	:	DECISION ON PETITION
Filed: January 19, 2007	:	TO WITHDRAW
Attorney Docket No. 34788-502-UTIL	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 25, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 Carl A. Kukkonen III on behalf of the attorneys of record associated with Customer No. 64046.

The attorneys of record associated with Customer No. 64046 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 the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MANUEL ARRANZ DEL ROSAL
600 CANYON DRIVE
GLENDALE, CA 91206

cc : LAW OFFICE OF SCOTT C. HARRIS INC.
P.O. BOX 1389
RANCHO SANTA FE, CA 92067

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.
11/655,794	01/18/2007	John Y. Chang	ACLRT-038BC	9876

81274 7590 04/07/2010
Robert D. Buyan, Stout, Uxa, Buyan & Mullins,
LLP/Acclarent, Inc.
4 Venture
Suite 300
Irvine, CA 92618

EXAMINER
MENDEZ, MANUEL A

ART UNIT	PAPER NUMBER
3763	

NOTIFICATION DATE	DELIVERY MODE
04/07/2010	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):

sbarrington@patlawyers.com
ssmith@acclarent.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Robert D. Buyan, Stout, Uxa, Buyan & Mullins,
LLP/Acclarent, Inc.
4 Venture
Suite 300
Irvine CA 92618

In re Application of:	:	
CHANG, JOHN Y. et al	:	
Serial No. 11/655,794	:	
Filed: Jan. 18, 2007	:	
Docket: ACLRT-038BC	:	DECISION ON PETITION
Title: USE OF MECHANICAL DILATOR DEVICES TO ENLARGE OSTIA OF PARANASAL SINUSES AND OTHER PASSAGES IN THE EAR, NOSE, THROAT AND PARANASAL SINUSES	:	UNDER 37 CFR § 1.181

This is a decision on the petition, filed April 5, 2010, under 37 CFR 1.181, to withdraw the holding of abandonment. The petition is being considered as a petition pursuant to 37 CFR 1.181(a). No fee is required.

The petition under 37 CFR 1.181 is GRANTED.

The present application was held abandoned for failure to timely respond to the Non-Final Office action mailed on September 23, 20009 which set forth a three-month period for reply. Notice of abandonment was mailed on March 31, 2010.

Petitioner argues however that a timely response was electronically filed on March 23, 2010 with a three month extension of time fee. A search of the application file and the USPTO records reveals that in fact, a timely response was timely filed with a three- month extension of time on March 23, 2010.

Accordingly, the Notice of Abandonment mailed March 31, 2010 was mailed in error and is hereby withdrawn. The holding of abandonment is withdrawn. Any inconvenience or delay caused to applicant is regretted. This application is being forwarded to the examiner in Art Unit 3763 for appropriate action.

Robert Olszewski, Director
Technology Center 3700

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RASHIDA A. KARMALI
10TH FLOOR
99 WALL STREET
NEW YORK, NY 10005

COPY MAILED

AUG 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Rashida A. Karmali	:	
Application No. 11/655,801	:	DECISION ON PETITION
Filed: January 18, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 134.008	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 16, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a declaration statement from 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 1626 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge MA 02138

MAILED

SEP 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Thomas Gregory Hubert et al	:	DECISION GRANTING STATUS
Application No. 11/655,817	:	UNDER 37 CFR 1.47(a)
Filed: January 19, 2007	:	
Attorney Docket No. 30020-209RE2	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 16, 2009.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor cannot be located to join in the filing of the above-identified application.

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

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

This application is being referred to Technology Center Art Unit 2838.

Telephone inquiries regarding this decision should be directed to Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

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SEP 30 2009

OFFICE OF PETITIONS

In re Application of
Thomas Gergory Hubert et al.
Application No. 11/655,817
Filed: January 19, 2007
For: Voltage Regulation of a Utility Power Network

Dear Mr. Hubert:

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

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 Carl Friedman at (571) 272-6842. 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).

David Bucci
Petitions Examiner
Office of Petitions

cc: Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge MA 02138

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MAIL

MAR 31 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of AOKI, HIROSHI, et al. Application No. 11/655,869 Filed: January 22, 2007 Attorney Docket No. 062758-0169	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed February 26, 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

Petitioner has not complied with items 2 and 5. Although an English translation of the office action of the JPO application and an English translation of the allowable/patentable claims from

the JPO application have been submitted, a copy of the office action of the JPO application and a copy of the allowable/patentable claims from the JPO application have not been submitted.

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

Response must be faxed to Kenneth Wieder at 571-273-2986 (RightFax) or 571-273-0308 or 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

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.
11/655,869	01/22/2007	Hiroshi Aoki	062758-0169	1518

20277 7590 06/03/2009
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER
DHARIA, PRABODH M

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
06/03/2009	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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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of		
AOKI, HIROSHI et al.	:	DECISION ON REQUEST TO
Application No: 11/655,869	:	PARTICIPATE IN PATENT
Filed: January 22, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. **062758-0169**	:	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 April 29, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

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.

/Doris To/

Doris To
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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LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH VA 22042

MAILED

MAY 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Moon-Chul Lee, et al.	:	
Application No. 11/655,915	:	DECISION ON PETITION
Filed: January 22, 2007	:	TO WITHDRAW
Attorney Docket No. 277/005 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 March 25, 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 no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **LEE & MORSE, P.C.**
3141 Fairview Park Drive
Suite 500
Falls Church, VA 22042

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MAQUITA WONG
THE HONG KONG POLYTECHNIC UNIVERSITY
SUITE 600, MAILBOX #119
1800 DIAGONAL ROAD
ALEXANDRIA, VA 22314

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of	:	
Yi LI, et al	:	
Application No. 11/655,931	:	DECISION ON PETITION
Filed: January 22, 2007	:	TO WITHDRAW
Attorney Docket No. IP-357A	:	FROM RECORD
	:	

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

The request is **APPROVED**.

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

The request was signed by Robert Dewitty the sole attorney of record.

Robert Dewitty has been withdrawn.

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

All future communications from the Office will be directed to the first named signing inventor at the address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee

(*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: YI LI
THE HONG KONG POLYTECHNIC UNIVERSITY
HUNG HOM, KOWLOON, HONG KONG

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 8/6/08

Paper No.: ——

TO SPE OF : ART UNIT 3636

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/655949 Patent No.: 7344191 B

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:

Subsection (e) of claim 1 should not have a label (e) as indicated in Examiner's Amdt of 12/20/2003

A. B. McPaulin 12/8/09

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/21/2010

Applicant	: Jun Okitsu	: DECISION ON REQUEST FOR
Patent Number	: 7636311	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/655,997	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/22/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **502** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

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JUN 20 2008

OFFICE OF PETITIONS

In re Application of	:	
Toshinori Kato	:	
Application No. 11/655,998	:	DECISION ON PETITION
Filed: January 22, 2007	:	
Attorney Docket No. P71679US0	:	

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**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 9, 2007 and the Notice of Incomplete Reply mailed October 24, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. A five-month (5) extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 10, 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 $770, and (3) a proper statement of unintentional delay.

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

This application is being referred back to the Office of Patent Application Processing for pre-examination processing of the reply received November 30, 2007.

April M. Wise
Petitions Examiner
Office of Petitions

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SAND & SEBOLT
AEGIS TOWER, SUITE 1100
4940 MUNSON STREET, NW
CANTON, OH 44718-3615

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NOV 10 2008

In re Application of	:	
MANSFIELD, Eric H. et al.	:	
Application No. 11/656,060	:	DECISION ON PETITION
Filed: January 22, 2007	:	TO WITHDRAW
Attorney Docket No. **2441008US3AP**	:	FROM RECORD
	:	

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 02, 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 09, 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: **ADAMS INTELLECTUAL PROPERTY LAW, P.A.**
SUITE 2350 CHARLOTTE PLAZA
201 SOUTH COLLEGE STREET
CHARLOTTE NC 28244

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

Paper No. None

Patrick S. Yoder
FLETCHER YODER
P.O. Box 692289
Houston TX 77269-2289

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SEP 04 2007

OFFICE OF PETITIONS

In re Application Of:	
Justin Lawrence Paquette	
Application No. 11/656,071	DECISION ON PETITION UNDER
Filed: January 22, 2007	37 C.F.R. §1.47(b)
Attorney Docket No. 15577/YOD	
(ITWO:0122)	
Title: WELDING SYSTEM	
TOROIDAL SPARK GAP METHOD AND	
SYSTEM	

This is in response to the petition under 37 C.F.R. §1.47(b),[1] filed on January 22, 2007.

---

1 A grantable petition under 37 C.F.R. §1.47(b) requires:
(1) The petition fee;
(2) a surcharge, if the petition is not filed at the time of filing of the application;
(3) a statement of the last known address of each of the non-signing inventors;
(4) proof that either:
a) a copy of the application was sent or given to each of the non-signing inventors for review and proof that each of the non-signing inventors refused to sign, or;
b) proof that diligent efforts have been made to locate the non-signing inventors, and a statement that these efforts were not successful;
(5) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
(6) proof of irreparable damage, and;
(7) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116, and with 37 C.F.R. § 1.63.

On January 22, 2007, the application was filed, identifying Justin Lawrence Paquette as the sole inventor. The application was deposited without an executed oath or declaration. The present petition was filed concurrently.

With the present petition, Petitioner has included a statement of facts, a copy of an assignment document, and a declaration that has been executed by an Officer of the Assignee. The petition fee has been charged to Petitioner's Deposit Account.

With the present petition, Petitioner has met requirements (1) and (3) - (7) of Rule § 1.47(b). The second requirement is not applicable. As such, the petition pursuant to Rule § 1.47(b) is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 C.F.R. § 1.47(b). This application is hereby accorded Rule § 1.47 status.

As provided in Rule § 1.47, this Office will forward notice of this application's filing to the non-signing inventor at the address which appears on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the present application can receive further processing in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

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

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

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AUG 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Jay Wei	:	
Application No. 11/656,075	:	DECISION ON PETITION
Filed: January 19, 2007	:	TO WITHDRAW
Attorney Docket No. 43625.26	:	FROM RECORD
	:	

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 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 C. Larry O'Rourke 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 30, 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: **Jay Wei**
397 Indian Hill Place
Freemont, CA 94539

cc: **HAYNES AND BOONE, LLP**
IP Section
2323 Victory Avenue, Suite 700
Dallas, TX 75219

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/656,075	01/19/2007	Jay Wei	43625.26

CONFIRMATION NO. 1884

POWER OF ATTORNEY NOTICE

22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

OC000000037359678

Date Mailed: 08/14/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/01/2009.

- 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.

/tswilliams/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/656,114	01/22/2007	Catherine H. Thomas	CLR02	1981

7590 01/29/2010

Patrick J. Thomas
PO Box 21177
Cleveland, OH 44121

EXAMINER
HU, KANG

ART UNIT	PAPER NUMBER
3715	

MAIL DATE	DELIVERY MODE
01/29/2010	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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Patrick J. Thomas
PO Box 21177
Cleveland OH 44121

In re Application of: THOMAS, CATHERINE H. Serial No. 11/656,114 Filed: Jan. 22, 2007 Docket: CLR02 Title: LEARNING KITS AND METHOD FOR TUTORING AND TEACHING LEARNERS	DECISION ON PETITION UNDER 37 CFR § 1.181

This is a decision on the petition filed on November 9, 2009 under 37 CFR 1.181 requesting re-mailing of the Office of June 22, 2009 because the Office action was returned by the US Post Office.

The petition is **Granted.**

In finding petitioner's argument persuasive, the requested relief is granted. Since the original Office action of June 22, 2009 was sent to the correct address and for unknown reasons returned by the US Post Office. The Office action of June 22, 2009 is hereby re-mailed with a new shortened statutory period for reply set for 3 months from the re-mailing date of the Office action.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3715 for further process. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

Petition granted.

Robert Olszewski, Director
Technology Center 3700

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Paper No.

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

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JAN 22 2009

OFFICE OF PETITIONS

In re Application of :
Souter et al. : DECISION ON PETITION
Application No. 11/656,117 :
Filed: January 22, 2007 :
Attorney Docket No. 10280M :

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT filed September 30, 2008.

The above-identified application became abandoned for failure to file a reply to the restriction requirement mailed March 12, 2008. This Office action set a one-month period for reply, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective April 13, 2008. A courtesy Notice of Abandonment was mailed on September 24, 2008.

In response, applicants promptly filed the instant petition. Applicants contend that a timely response was filed by facsimile transmission on April 11, 2008. In support thereof, applicants submit a copy of the response as filed, and a copy of the USPTO auto-reply acknowledging receipt of a facsimile transmission sent to the Office's centralized facsimile number at 571-273-8300.

Petitioner's evidence and arguments have been considered and it is concluded that the requirements of 37 CFR § 1.8(b) have been met. The response (a 4-page election) is considered timely filed by facsimile transmission pursuant to 37 CFR § 1.6(d) on April 11, 2008.

In view thereof, the Notice of Abandonment mailed September 24, 2008 and the holding of abandonment are hereby **withdrawn**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 1652 has been advised of this decision. The application file is, thereby, forwarded for the Technology Center's technical support staff to withdraw the holding of abandonment and for forwarding to the examiner for consideration of the election previously filed on April 11, 2008 and resubmitted on petition filed September 30, 2008.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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

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MAR 18 2008

OFFICE OF PETITIONS

In re Application of :
Takumi Yoshida, et al :
Application No. 11/656,128 :
Filed: January 22, 2007 :
Attorney Docket No. 5267-109PCON :

DECISION GRANTING PETITION

This is a decision on the petition filed October 29, 2007, requesting that the above-identified application be accorded a filing date of January 22, 2007, instead of the presently accorded date of January 23, 2007.

Petitioners 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 22, 2007. In support, petitioners provide a copy of the Express Mail label, No. EV 893839525 US, the same Express Mail receipt number referred to in the transmittal letter found in the file. It is noted that the "date in" on the copy of the Express Mail label includes an altered hand written date of "1-22-07", as well as a USPS receipt stamp dated January 22, 2007. A copy of the USPS Track/Confirm record for Express Mail Label No. EV 893839525 US was also provided which corroborates acceptance of the "Express Mail" package in question by the USPS New York, NY on January 22, 2007 at 6:25p.m.

In view of the above, the evidence is convincing that the Express Mail package was entrusted to the USPS on January 22, 2007 and that this application is entitled to a filing date of January 22, 2007.

The petition is **GRANTED**.

The application is being referred to the Office of Patent Application Processing (OPAP) to correct the filing date to **January 22, 2007** and issue a corrected filing receipt.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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PAUL V. KELLER, LLC
4585 LIBERTY RD.
SOUTH EUCLID OH 44121

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OFFICE OF PETITIONS

In re Application of:	:	
Boddy et al.	:	
Application No. 11/656194	:	DECISION ON
Filing or 371(c) Date: 01/22/2007	:	PETITION
Attorney Docket Number: 06-ASD-297	:	

This is a decision on the "Petition to Accept Missing Items as Previously Received," filed February 20, 2007. The petition is properly treated under 37 CFR § 1.182. The delay in treating this petition is regretted.

The petition is granted to the extent indicated herein.

The application was filed on January 22, 2007. On February 12, 2007, the Office of Patent Application Processing ("OPAP"), mailed a Notice of Omitted Item(s) in a Nonprovisional Application ("Notice"), stating that the application had been accorded a filing date, and advising applicants that Figure(s) 15, 17 and 18 described in the specification appeared to have been omitted from the application.

Applicant responds with the present petition and avers that Figures 17 and 18 were included among five (5) sheets of drawings filed in the application on January 22, 2007. In support of this assertion, Applicant files a copy of his return-receipt postcard acknowledging receipt of five (5) sheets of drawings by this Office on January 22, 2007. Applicant does not address in the petition the omitted Figure 15. A review of the application papers filed on January 22, 2007 reveal that the label of "Fig. 15" appears on drawing sheet 4/5; however, no corresponding drawing Figure 15 is present.

"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 to the extent that Applicant has demonstrated that Figures 16 and 17 were present in this Office on January 22, 2007.

However, the Notice was correct that Figure 16 described in the specification appeared to have been omitted from the application.

The application file will be referred to the OPAP for further processing with a filing date of January 22, 2007, and an indication that Figures 17 and 18 described in the specification were included with the application papers filed on January 22, 2007, using the copy of Figures 17 and 18 filed with the present petition.

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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WILLIAM H. MCNEILL
OSRAM SYLVANIA INC.
100 ENDICOTT STREET
DANVERS, MA 01923

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APR 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Gregory J. Hardy	:	
Application No. 11/656,195	:	ON PETITION
Filed: January 22, 2007	:	
Attorney Docket No. 2006P2486US01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 24, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 15, 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 16, 2008.

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

The claims presented with the amendment are not in compliance with 37 CFR 1.121.

37 CFR 1.121 states (*c*):

> Amendments to a claim must be made by rewriting the entire claim with all changes (*e.g.*, additions or deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete

listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using on e of the following identifiers in a parenthetical expressing: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (new) and (Not entered).

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) 272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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WILLIAM H. MCNEILL
OSRAM SYLVANIA INC.
100 ENDICOTT STREET
DANVERS, MA 01923

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JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Gregory J. Hardy	:	
Application No. 11/656,195	:	DECISION ON PETITION
Filed: January 22, 2007	:	
Attorney Docket No. 2006P2486US01	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 21, 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, July 15, 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 16, 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.

The petition is **GRANTED**.

Since the $1620 petition fee submitted with the petition on April 21, 2009 was previously paid with the petition filed February 24, 2009, this fee is unnecessary and will be credited to petitioner's deposit account.

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 2821 for appropriate action by the Examiner in the normal course of business on the reply received April 21, 2009.

April M. Wise
Petitions Examiner
Office of Petitions

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Ilya Zborovsky
6 Schoolhouse Way
Dix Hills NY 11746

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OFFICE OF PETITIONS

In re Application of

Sam Zhadanov et al.
Application No. 11/656,227
Filed: January 22, 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 March 20, 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 copy of the Applicant's Driver License indicating Sam Zhedanov is at least 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ron Abelson at 571-272-3165.

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 3727 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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JUL 28 2008

OFFICE OF PETITIONS

THOMTE LAW OFFICE L.L.C.
2120 S. 72ND STREET, SUITE 1111
OMAHA NE 68124

In re Application of	:	
Alan D. Bailey et al	:	
Application No. 11/656,240	:	DECISION ON PETITION
Filed: January 22, 2007	:	UNDER 37 CFR 1.137(b)
For: QUICK-ATTACH MECHANISM FOR	:	
ATTACHING A BLADE TO AN OFF-ROAD	:	
VEHICLE	:	

This is a decision on the petition, filed October 29, 2007, 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 March 5, 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.

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 3671 for examination in due course.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/21/2010

Applicant	: Jae-Hong Lee	: DECISION ON REQUEST FOR
Patent Number	: 7624418	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/656,275	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/22/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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.

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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SUNG I. OH, PROFESSIONAL LAW CORPORATION
710 QUAIL VALLEY LANE
WEST COVINA CA 91791

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MAY 22 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of
Lee O. Meinen
Application No. 11/656,300
Filed: January 22, 2007
Attorney Docket No. **2189906-A**

This is a decision on the petition filed April 28, 2009 under 37 CFR 1.137(b),[1] to revive the above-identified application.

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

This application became abandoned April 10, 2009 for failure to timely pay the issue fee on or before April 9, 2009. The instant petition was filed prior to the Notice of Abandonment which was mailed April 4, 2009.

The issue fee in the amount of $755.00 and the petition fee in the amount of $810.00 have been charged to the credit card provided. All other requirements of 37 CFR 1.137(b) having now been met, this matter is being referred to the Publishing Division to be processed into a patent.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In 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.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

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

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Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

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MAR 1 7 2008

OFFICE OF PETITIONS

In re Application of	:	
Iiwhan Park et al.	:	
Application No. 11/656,323	:	DECISION ON PETITION
Filed: January 19, 2007	:	TO WITHDRAW
Attorney Docket No. 189792/US/2	:	FROM RECORD
	:	

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

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

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on November 29, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Dorsey & Whitney, LLP**
Intellectual Property Department
370 Seventeenth Street
Suite 4700
Denver, CO 80202-5647

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VENTURE PACIFIC LAW, PC
5201 GREAT AMERICA PARKWAY, SUITE 270
SANTA CLARA CA 95054

In re Application of	:	
Yue Zhang	:	
Application No. 11/656,339	:	ON PETITION
Filed: January 20, 2007	:	
Attorney Docket No. Qpixel-07	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 22, 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 on April 13, 2007 for failure to reply in a timely manner to the Notice mailed February 12, 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).

Petitioner submitted the filing fee of $82.00 instead of the required fee of $165.00, since the application was not filed electronic on January 20, 2007. No authorization was provided to charge the deficiency fee of $83.00.

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

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

By 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) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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VENTURE PACIFIC LAW, PC
5201 GREAT AMERICA PARKWAY, SUITE 270
SANTA CLARA CA 95054

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MAR 25 2009

OFFICE OF PETITIONS

In re Application of	:	
Yue Zhang et al	:	
Application No. 11/656,339	:	DECISION ON PETITION
Filed: January 20, 2007	:	
Attorney Docket No. QpixeI-07	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 23, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The 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 required fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed February 12, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402-3244

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SEP 25 2008

In re Application of	:	
Charles V. BURTON, et al	:	
Application No. 11/656,341	:	DECISION ON PETITION
Filed: January 22, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. P88.12-0001	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 8, 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 made by registered attorney Z. Peter Sawicki, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to Technology Center Art Unit 3762 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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STEIN MCEWEN, LLP
1400 EYE STREET, NW SUITE 300
WASHINGTON, DC 20005

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JUL 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Hae-Kyoung Kim et al	:	
Application No. 11/656,375	:	ON PETITION
Filed: January 23, 2007	:	
Attorney Docket No. 0026.1195	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 14, 2010, 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 November 4, 2009, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 5, 2010.

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

This matter is being referred to Technology Center AU 1796 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/656,376	01/23/2007	Sea-chul Bae	0006.1061	2220

7590 02/18/2009
STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER
POON, KING Y

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
02/18/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Refund Ref:
02/18/2009 0030066780

Credit Card Refund Total: $1600.00

Am Exp..: XXXXXXXXXXX1001

Refund Ref:
02/18/2009 0030066779

Credit Card Refund Total: $1100.00

Am Exp..: XXXXXXXXXXX1007

FORM PET651G (Rev. 08/07)

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KILPATRICK STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

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JAN 29 2008

OFFICE OF PETITIONS

In re Application of	:	
Elizabeth CHITREN, et al	:	
Application No. 11/656,429	:	DECISION ON PETITION
Filed: January 23, 2007	:	TO WITHDRAW
Attorney Docket No. GST-610	:	FROM RECORD
	:	

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 16, 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, at the request of the assignee, does not meet any of the conditions set forth in 37 CFR 10.40, since assignee has not intervened with a proper Statement under 37 CFR 3.73(b).

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 Diane Goodwyn at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: BRIAN KINNEAR
HOLLAND & HART, LLP
555 – 17TH STREET, SUITE 2700
DENVER, CO 80202

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NIXON & VANDERHYE, PC
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ARLINGTON, VA 22203

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OFFICE OF PETITIONS

In re Application of	:	
Kazumasa KUROKAWA, et *al.*	:	
Application No. 11/656,433	:	DECISION GRANTING PETITION
Filed: January 23, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **2018-1597**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 4, 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 26, 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 2893 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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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

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MAR 19 2010

OFFICE OF PETITIONS

In re Application of :
Hideki Komori, et al. :
Application No.: 11/656,437 : ON PETITION
Filed: January 23, 2007 :
Attorney Docket No.: 052195A :

This is a decision on the petition, filed March 19, 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 2, 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 2822 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/656,440	01/23/2007	Wook-bae Kim	102-1338	1739

7590 05/15/2009

STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON, DC 20006

EXAMINER
PHAN, JAMES

ART UNIT	PAPER NUMBER
2872	

MAIL DATE	DELIVERY MODE
05/15/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 05/19/2009 BPOWELL
01/24/2007 YPOLITE 00000047 502827 11656440
01 FC:1201 200.00 CR

Adjustment date: 05/19/2009 BPOWELL
02/15/2007 [illegible] 11656440
01/24/2007 YPOLITE 00000006 502827 11656440
01 FC:1201 200.00 CR

FORM PET651G (Rev. 08/07)

Adjustment Date: 05/19/2009 BPOWELL
01/24/2007 YPOLITE1 00000046 502827 11656440
02 FC:1111 500.00 CR
04 FC:1202 450.00 CR

Adjustment date: 05/19/2009 BPOWELL
01/24/2007 YPOLITE1 00000046 502827 11656440
02 FC:1111 500.00 CR
04 FC:1202 450.00 CR

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22 AUG 2007

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HARNESS, DICKEY & PIERCE, PLC
P.O. Box 8910
Reston, VA 20195

In re Application of:	:	
HULTGREN, Tomas, et al.	:	
U.S. Application No.: 11/656,464	:	DECISION ON PETITION
Receipt Date: January 23, 2007	:	FOR REVIVAL UNDER
Attorney's Docket No.: 4145-000034/US	:	37 CFR 1.137(b)
For: DATA AND FILE MANAGEMENT SYSTEM	:	

This decision is issued in response to applicant's Petition for Revival under 37 CFR 1.137(b) filed January 23, 2007. Applicant has paid the small entity petition fee.

BACKGROUND

On July 04, 2005, applicants filed international application PCT/SE2005/001114. The application claimed an earlier priority date of 03 July 2004, and it designated the United States. The deadline for filing the basic national fee was thirty months from the priority date, i.e., January 03, 2007.

Applicants did not file the basic national fee prior to the expiration of the thirty month deadline. Accordingly, international application PCT/SE2005/001114 became abandoned with respect to the United States as of midnight on January 03, 2007.

On January 23, 2007, applicants filed the present application, accompanied by, among other materials, the petition for revival of international application PCT/SE2005/001114 considered herein. The transmittal letter filed by applicants on January 23, 2007 identifies the present application as a continuation of PCT/SE2005/001114.

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). Applicants here have failed to satisfy item (1).

Pursuant to MPEP § 711.03(c), the filing of a continuation application under 35 U.S.C. 111(a) is considered an appropriate "required reply" under 37 CFR 1.137(b). However, as discussed below, the present application is not a proper continuation of the international

application in that it does not contain a reference indicating that the present application is a continuation of PCT/SE2005/001114, in the form and location required by 37 CFR 1.78.

37 CFR 1.78(a)(2)(i) requires that a continuity reference to a prior-filed international application must include the international application number, the international filing date, and the relationship of the applications (i.e., continuation, continuation-in-part, etc.). In addition, pursuant to 37 CFR 1.78(a)(2)(iii), the reference must be included in an application data sheet (ADS) filed under 37 CFR 1.76 or in the first of the specification after the title.

Here, the first line of the specification does not include a reference to the prior-filed international application, and applicants have not submitted an ADS under 37 CFR 1.76.[1] The present application therefore does not comply with the requirements of 37 CFR 1.78 and is not a proper continuation of the international application. Accordingly, the filing of the present application cannot be treated as the "required reply" necessary for a grantable petition to revive the international application under 37 CFR 1.137(b).

CONCLUSION

Applicants' petition for revival of international application under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should be entitled "Renewed Petition Under 37 CFR 1.137(b)" and include the materials required to make the present application a proper continuation of PCT/SE2005/001114 in compliance with the requirements of 37 CFR 1.78.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

---

[1] Applicant here did file an "Information Sheet." However, this submission is not an acceptable ADS under 37 CFR 1.76, which states that any such submission "must be titled 'Application Data Sheet.'" Moreover, the reference to the international application contained in the "Information Sheet" is not in the form required by 37 CFR 1.78 in that it does not state the relationship of the applications (i.e., continuation).

2 2 MAY 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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HARNESS, DICKEY & PIERCE, PLC
P.O. Box 8910
Reston, VA 20195

In re Application of:	:	
HULTGREN, Tomas, et al.	:	
U.S. Application No.: 11/656,464	:	DECISION ON RENEWED
Receipt Date: January 23, 2007	:	PETITION FOR REVIVAL
Attorney's Docket No.: 4145-000034/US	:	UNDER 37 CFR 1.137(b)
For: DATA AND FILE MANAGEMENT SYSTEM	:	

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.137(b) For Revival Of Unintentionally Abandoned Application" filed October 09, 2007. No additional petition fee is required.

BACKGROUND

In a decision mailed on January 23, 2007, applicants' petition for revival of international application PCT/SE2005/001114 was dismissed without prejudice for failure to include all the requirements of a grantable petition. Specifically, applicants had not filed the "required reply" in the form of a proper continuation application filed under 35 U.S.C. 111(a).

On October 09, 2007, applicants filed the present renewed petition, accompanied by a preliminary amendment that included an amended first paragraph of the specification identifying the present application as a continuation of PCT/SE2005/001114, filed July 4, 2005.

On March 24, 2008, a first filing receipt was mailed herein that identified the application as a continuation of PCT/SE2005/001114.

DISCUSSION

As noted above, applicants' October 09, 2007 included an amendment adding to the specification the continuity reference required under 37 CFR 1.78(a)(2)(i) with respect to PCT/SE2005/001114. In addition, the first official filing receipt mailed herein on March 24, 2008 included this continuity reference (i.e., it identified the present application as a continuation of PCT/SE2005/001114, filed July 04, 2005). Thus, a grantable petition under 37 CFR 1.78(a)(3) for acceptance of the delayed continuity reference is not required.[1]

---

[1] See MPEP section 201.11(III)(D): "If an applicant includes a benefit claim in the application but not in the manner specified by 37 CFR 1.78(a) (e.g., if the claim is included in an oath or declaration or the application transmittal letter) within the time period set forth in 37 CFR 1.78(a), the Office will not require a petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) to correct the claim if the information concerning the claim was recognized by the Office as shown by its inclusion on the filing receipt.

Based on the above, the present application has now been properly identified as a continuation of the international application. As noted in the previous decision, a continuation application under 35 U.S.C. 111(a) is considered an appropriate "required reply" under 37 CFR 1.137(b). Accordingly, applicants have now submitted the "required reply," satisfying the final element of a grantable petition under 37 CFR 1.137(b). Revival of international application PCT/SE2005/001114 pursuant to 37 CFR 1.137(b) is therefore appropriate.

CONCLUSION

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

International application PCT/SE2005/001114 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 11/656,464.

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Eliezer Konfino	: DECISION ON REQUEST FOR
Patent Number	: 7625861	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/656,505	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **484** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/656,507	01/23/2007	Hiroaki Chiba	008312-0359519	1689

7590 08/20/2009
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER
TSENG, CHARLES

ART UNIT	PAPER NUMBER
2628	

MAIL DATE	DELIVERY MODE
08/20/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 08/21/2009 NFARMER
01/24/2007 SSITHIB1 00000068 033975 11656507
02 FC:1111 509.00 CR

FORM PET651G (Rev. 08/07)

17 JUL 2007

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RAYMOND R. MOSER JR., ESQ.
MOSER IP LAW GROUP
1040 BROAD STREET
2ND FLOOR
SHREWSBURY, NJ 07702

In re Application of REEVES et al	:	
U.S. Application No.: 11/656,568	:	
PCT Application No.: PCT/US2005/009439	:	DECISION
Int. Filing Date: 21 March 2005	:	
Priority Date Claimed: 26 March 2004	:	
Attorney Docket No.: AT/001 (ATS5 US)	:	
For: REAL TIME PRIVILEGE MANAGEMENT	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 22 January 2007.

BACKGROUND

On 21 March 2005, applicant filed international application PCT/US2005/009439, which claimed priority of an earlier United States application filed 26 March 2004. The thirty-month period for paying the basic national fee in the United States expired on 23 September 2006.

International application PCT/US2005/009439 became abandoned as to the United States for failure to timely pay the basic national fee.

On 22 January 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has not provided the required reply. The international application cannot be revived for continuity purposes absent a claim for priority under 35 U.S.C. 120 to the international application.[1]

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). 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 Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

[1] Applicant is advised that the 22 January 2007 submission will not be treated as a national stage submission under 35 U.S.C. 371 because the submission was not clearly and unambiguously identified as a national stage filing. The 22 January 2007 submission contained a transmittal letter (Form PTO/SB/05) for a submission under 37 CFR 1.53(b). MPEP 201.06(c) states in relevant part, "37 CFR 1.53(b) is the section under which all applications are filed EXCEPT: (A) an application resulting from entry of an international application into the national stage under 35 U.S.C. 371 and 37 CFR 1.495. . . . Applications submitted under 37 CFR 1.53(b), as well as CPAs submitted under 37 CFR 1.53(d), are applications filed under 35 U.S.C. 111(a)." 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" provides, "If there are any conflicting instructions as to which sections of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111." Therefore, the proper reply in the present case would be a continuation, continuation in part, or divisional application filed under 35 U.S.C. 111(a). The 22 January 2007 submission under 35 U.S.C. 111(a) fails to state the relationship to the parent application.

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2 7 SEP 2007

RAYMOND R. MOSER JR., ESQ.
MOSER IP LAW GROUP
1040 BROAD STREET
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SHREWSBURY, NJ 07702

In re Application of REEVES et al	:	
U.S. Application No.: 11/656,568	:	
PCT Application No.: PCT/US2005/009439	:	DECISION
Int. Filing Date: 21 March 2005	:	
Priority Date Claimed: 26 March 2004	:	
Attorney Docket No.: AT/001 (ATS5 US)	:	
For: REAL TIME PRIVILEGE MANAGEMENT	:	

This is in response to applicant's "Renewed Petition Under 37 CFR 1.137(b)" and "37 CFR §1.78(a)(3) Petition to Accept a Claim of Benefit of the Filing Date of an Earlier Filed Application Under 37 C.F.R. 120" filed 21 August 2007.

BACKGROUND

On 21 March 2005, applicant filed international application PCT/US2005/009439, which claimed priority of an earlier United States application filed 26 March 2004. The thirty-month period for paying the basic national fee in the United States expired on 23 September 2006.

International application PCT/US2005/009439 became abandoned as to the United States for failure to timely pay the basic national fee.

On 22 January 2007, applicant filed a petition under 37 CFR 1.137(b).

On 17 July 2007, this Office mailed a decision dismissing the 22 January 2007 petition.

On 21 August 2007, applicant filed the present renewed petition under 37 CFR 1.137(b) and petition under 37 CFR 1.78(a)(3).

DISCUSSION

I. Petition Under 37 CFR 1.137(b)

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless

previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

Petitioner has previously satisfied items (2), (3), and (4) above.

With regard to item (1), applicant has not provided the required reply. The international application cannot be revived for continuity purposes absent a claim for priority under 35 U.S.C. 120 to the international application. As discussed in §II below, a proper claim for priority under 35 U.S.C. 120 has not been made.

The renewed petition states that the 22 January 2007 submission was intended to be a national stage filing under 35 U.S.C. 371. However, if there are any conflicting instructions as to which sections of the statute (371 or 111) is intended, the application will be accepted under 35 U.S.C. 111(a). 1077 OG 13 (14 April 1987), entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)". "A conflicting instruction will be present, for example, where applicant includes in the initial submission under 35 U.S.C. 371, a 'Utility Patent Application Transmittal' (Form PTO/SB/05) or includes a benefit claim under 35 U.S.C. 120 to the international application." MPEP 1893.03(a), Rev. 5, Aug. 2006, p. 1800-191, col. 2, last paragraph. In the present case, the 22 January 2007 submission contained a "Utility Patent Application Transmittal" (Form PTO/SB/05) for a submission under 37 CFR 1.53(b). Applicant is advised that "37 CFR 1.53(b) is the section under which all applications are filed EXCEPT: (A) an application resulting from entry of an international application into the national stage under 35 U.S.C. 371 and 37 CFR 1.495. . . . Applications submitted under 37 CFR 1.53(b), as well as CPAs submitted under 37 CFR 1.53(d), are applications filed under 35 U.S.C. 111(a)." MPEP 201.06(c), Rev. 5, Aug. 2006, p. 200-23, col. 1, last paragraph. Because the submission of Form PTO/SB/05 is contrary to any stated desire to enter the national phase under 35 U.S.C. 371, the present application has been properly treated under 35 U.S.C. 111(a).

II. <u>Petition Under 37 CFR 1.78(a)(3)</u>

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

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

The present petition does not comply with item (1).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.78(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. See MPEP 201.11, Section III. Reference to Prior Nonprovisional Applications, Rev. 5, Aug. 2006, p. 200-63. The amendment filed with the petition 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) 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 or 37 CFR 1.76(b)(5)) to correct the above matters are required.

CONCLUSION

For the reasons set forth in §I above, the renewed petition under 37 CFR 1.137(b) is DISMISSED without prejudice.

For the reasons set forth in §II above, the petition under 37 CFR 1.78(a)(3) is DISMISSED without prejudice.

If reconsideration on the merits of the petitions is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). No additional petition fee is required.

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

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Boris Milef
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PCT Legal 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	: Roger R. Adams	: DECISION ON REQUEST FOR
Patent Number	: 7621540	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/656,595	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/22/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **2** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

DATE _____ APPLICATION NUMBER 11/656612

PET DOC TC

DOC CODE PET DOC DOC DATE _____

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

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

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CARR LLP
670 FOUNDERS SQUARE
900 JACKSON STREET
DALLAS TX 75202

MAILED

JUN 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Magnusson, et al.	:	
Application No. 11/656,612	:	DECISION
Filed: 22 January, 2007	:	ON PETITION
Attorney Docket No.: OPTIC 3504001	:	

This is a decision on the renewed petition under 37 C.F.R. §1.78(a)(3) and (a)(6), filed on 11 March, 2009, to accept, *inter alia*, an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of priority to a prior-filed provisional application and under 35 U.S.C. §120 for the benefit of priority to a prior-filed nonprovisional application.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 C.F.R. §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 C.F.R. §1.78(a)(5)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §119(e) and 37 C.F.R. §1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in 37 C.F.R. §1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(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 C.F.R. §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.

This pending nonprovisional application was filed on 22 January, 2007, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/825,066, which was filed on 8 September, 2006, and for which priority is claimed. A reference to a prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title. This priority previously was granted by the Examiner (see: non-final Office action of 11 September, 2008), and the petition is moot as to this matter. Petitioner also seeks to claim priority to pending Application No. 09/707,435, filed on 6 November, 2000, and through it to provisional Application Nos. 60/163, 703, filed on 5 November, 1999, and 60/164,089, filed on 6 November, 1999.

As authorized, the $1,410.00 fee required by 37 C.F.R. §1.78(a)(6)(ii) was charged as authorized.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. §119(e) and §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)(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 C.F.R. §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 applications, accompanies this decision on petition.

This application is being forwarded to Technology Center AU 2877 for consideration by the Examiner of the claim under 35 U.S.C. § 119(e) and §120 of the prior-filed applications.

Application No. 11/656,612

Questions concerning this matter may be directed to John Gillon, attorney, at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Anthony Knight
Supervisor
Office of Petitions

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
11/656,612	01/22/2007	2877	665	OPTIC 3504001	24	2

CONFIRMATION NO. 2520

CORRECTED FILING RECEIPT

OC000000036485260

21909
CARR LLP
670 FOUNDERS SQUARE
900 JACKSON STREET
DALLAS, TX 75202

Date Mailed: 06/15/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Robert Magnusson, Storrs Mansfield, CT;
Debra D. Wawro, Paradise, TX;

Power of Attorney: The patent practitioners associated with Customer Number 21909

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/825,066 09/08/2006
and is a CIP of 09/707,435 11/06/2000 PAT 7,167,615
which claims benefit of 60/163,705 11/05/1999
and claims benefit of 60/164,089 11/06/1999

Foreign Applications

If Required, Foreign Filing License Granted: 02/13/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/656,612**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Guided-mode resonance sensors employing angular, spectral, modal, and polarization diversity for high-precision sensing in compact formats

Preliminary Class

356

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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NELSON MULLINS RILEY & SCARBOROUGH, LLP
1320 MAIN STREET, 17TH FLOOR
COLUMBIA, SC 29201

COPY MAILED

SEP 23 2009

OFFICE OF PETITIONS

In re Application of	:	
CLARK, Randy J. et al.	:	
Application No. 11/656,627	:	DECISION ON PETITION
Filed: January 23, 2007	:	TO WITHDRAW
Attorney Docket No. **26401/09096**	:	FROM RECORD
	:	

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 09, 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 NELSON MULLINS RILEY & SCARBOROUGH, LLP has been revoked by the assignee of the patent application on August 28, 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- 272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **JELD-WEN, INC.**
3250 LAKEPORT BOULEVARD
KLAMATH FALLS OR 97601-1099

cc: **JELD-WEN, INC. - STOEL RIVES LLP**
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND OR 97204-1268

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SEP 23 2009

OFFICE OF PETITIONS

NELSON MULLINS RILEY & SCARBOROUGH, LLP
1320 MAIN STREET, 17TH FLOOR
COLUMBIA, SC 29201

In re Application of	:	
CLARK, Randy J. et al.	:	
Application No. 11/656,628	:	DECISION ON PETITION
Filed: January 23, 2007	:	TO WITHDRAW
Attorney Docket No. **26401/10072**	:	FROM RECORD
	:	

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 09, 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 NELSON MULLINS RILEY & SCARBOROUGH, LLP has been revoked by the assignee of the patent application on August 28, 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- 272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **JELD-WEN, INC.**
3250 LAKEPORT BOULEVARD
KLAMATH FALLS OR 97601-1099

cc: **JELD-WEN, INC. - STOEL RIVES LLP**
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND OR 97204-1268

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MAR 24 2008

MORGAN, LEWIS
& BOCKIUS LLP (SF)
2 PALO ALTO SQUARE
3000 EL CAMINO REAL, SUITE 700
PALO ALTO CA 94306

In re Application of		
DeFrees, et al.	:	
Application No. 11/656,643	:	DECISION ON PETITION
Filed: 23 January, 2007	:	
Attorney Docket No. 40853-01-5558-US	:	

This is a decision on the petition filed on 8 November, 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 23 January, 2007.

On 5 September, 2007, the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) mailed a Notice of Missing Parts that also included a Notice of Omitted Items (to wit: "Figure(s) Fig. 43M described in the specification"), and, thus, the application had been accorded a filing date without that figure/drawing.

OIPE indicated that Petitioner might:

- contend via petition that the application was complete upon deposit, and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the drawings/figures described in the specification; or

- submit a copy of the drawings/figures described in the specification and accept the date of that submission as the filing dat; or

- accept the application as deposited.

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

On 8 November, 2007, Petitioner submitted the instant petition, including therewith, *inter alia*, a preliminary amendment and averment that Fig. 43M described in the specification was not deposited and was not intended to be deposited. Petitioner requested a refund of the petition fee.

As discussed above, OPAP informed Petitioner that the only need for a petition was to obtain a filing date for the omitted item—Fig. 43M.

ANALYSIS

A search of the official file reveals that:

- on 23 January, 2007, Petitioner deposited the instant application;

- the Office record appears earlier to have reflected that the drawing/figure Fig 43M as described in the specification was missing upon deposit;

- Petitioner acknowledges that the t the drawing/figure Fig 43M as described in the specification was missing upon deposit, and –in fact—the drawing/figure Fig 43M as described in the specification was not intended to be present upon deposit;

Accordingly, as of this writing, the application remains as designated on 5 September, 2007, by OPAP as an application omitting the drawing/figure Fig 43M as described in the specification, and the application has been accorded a filing date without the drawing/figure Fig 43M as described in the specification.

As of this writing, the Notice mailed on 10 August, 2007, is not determined to be in error and will not be disturbed.

CONCLUSION

The petition is **dismissed**; as of this writing it appears that there was not an error by the Office, and, thus, the petition fee is not waived.

This application is released to OPAP for further processing 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.

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NOV 24 2009

OFFICE OF PETITIONS

NOVO NORDISK, INC.
INTELLECTUAL PROPERTY DEPARTMENT
100 COLLEGE ROAD WEST
PRINCETON NJ 08540

In re Application of	:	
Defrees	:	
Application No. 11/656,643	:	
Filed: January 23, 2007	:	DECISION ON PETITION
Attorney Docket No.: 101961-	:	PURSUANT TO
5058-US01	:	37 C.F.R. § 1.28(c)
Title: FACTOR IX: REMODELING	:	
AND GLYCOCONJUGATION OF FACTOR	:	
IX	:	

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on September 10, 2009. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 C.F.R. § 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.

Petitioner has identified the particular type of fee that was erroneously paid as a small entity, when the small entity fee was actually paid, the small entity fee that was actually paid, the deficiency owed amount, and the total deficiency payment owed.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

The deficiency payment will be deducted from Petitioner's Deposit Account in due course, as authorized on the first page of this petition.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the present application can receive further processing in due course.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted.

A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application.

For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[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/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: MORGAN, LEWIS & BOCKIUS LLP (SF)
One Market, Spear Street Tower
San Francisco CA 94105

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Paper No.

Thomas E. Schatzel
Law Offices of Thomas E. Schatzel, P.C.
200 Altura Vista
Los Gatos CA 95032

MAILED

JUL 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Alves	:	
Application No. 11/656,671	:	DECISION ON PETITION
Filed: January 23, 2007	:	PURSUANT TO
Attorney Docket No.: SS-722-18	:	37 C.F.R. § 1.137(B)
Title: HIGH OCCUPANCY VEHICLE (HOV) LANE ENFORCEMENT	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed March 18, 2010, 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 and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed October 1, 2009, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue[1] or publication fees.[2] Accordingly, the above-identified application became abandoned on January 2, 2010. A Notice of Abandonment was mailed on January 15, 2010.

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

(1) The reply required to the outstanding Office

1 See MPEP § 710.02(e)(III).
2 See 37 C.F.R. § 1.211(e).

action or notice, unless previously filed;

(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, Applicant has submitted the issue, publication, and petition fees, along with the proper statement of unintentional delay. As such, requirements one through three 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.[3]

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.[4] All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

3 See Rule 1.137(d).

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

Mail Date: 04/21/2010

Applicant	: Fan Zhong	: DECISION ON REQUEST FOR
Patent Number	: 7652814	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/656,681	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **109** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 05/06/2010

Applicant	: Chris Edward Haga	: DECISION ON REQUEST FOR
Patent Number	: 7612437	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/656,689	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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JUL 2007
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HALE AND DORR LLP
MAY 23 2003
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INTELLECTUAL PROPERTY DEPARTMENT

Paper No. 6

E AND DORR LLP
STATE STREET
OSTON MA 02109

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MAY 19 2003
OFFICE OF PETITIONS

In re Application of
Nikolaev, et al.
Application No. 10/191,631
Filed: July 9, 2002
Attorney Docket No. 112924.120

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed February 6, 2003 (Certificate of Mailing dated February 3, 2003).

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

The above-identified application was filed on July 9, 2002, without a fully executed oath or declaration.[1] Accordingly, on August 12, 2002, petitioner was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring the signatures of joint inventors Mark S.F. Clarke and Daniel L. Feeback, together with a surcharge for the late filing of a fully executed declaration. This Notice set a two-month period for reply.

In reply, applicant filed the instant petition and paid the surcharge for late filing of the declaration. To make timely this reply, applicant obtained a four month extension of time. 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, 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 inventors.

On petition, attorney Wayne M. Kennard included, *inter alia*, the following supporting evidence: (1) a declaration of facts from

[1] The declaration submitted on filing was executed by joint inventors Pavel Nikolaev and Sivaram Arepalli.

Wayne M. Kennard; (2) a copy of a cover letter addressed to Feeback, dated July 10, 2002 and transmitting the application papers; (3) copy of a cover letter to Steven Benson, attorney for Clarke, dated July 10, 2002 and transmitting the application papers; and (4) a copy of a letter from attorney Benson, dated August 7, 2002, in which he reiterated the stance previously set forth that Clarke would not sign the declaration for the above identified application.

The instant petition has been reviewed and determined to be in compliance with 37 CFR 1.47(a). The declaration filed on July 9, 2002 has been determined to be in compliance with 37 CFR 1.63. Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status.

The inventorship of the above-identified application appears to be in dispute. The Patent and Trademark Office is not the forum for resolving disputes between assignees as to ownership rights. An assignment of the entire right, title, and interest in the invention has not been recorded. Petitioner has failed to establish that it is the assignee of the entire interest, but petitioner established ownership interest sufficient to allow it to act as the Rule 47(b) applicant.

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

The application file is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0272.

Cliff Congo
Petitions Attorney
Office of Petitions

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OIPE
JUL 06 2007
PATENT & TRADEMARK OFFICE

DANIEL L FEEBACK
15103 CORAL OAK CT
HOUSTON TX 77059-6455

HALE AND DORR LLP
COPY MAILED
MAY 19 2003
MAY 23 2003
OFFICE OF PETITIONS
DOCKET DEPT.
INTELLECTUAL PROPERTY DEPARTMENT

In re Application of :
Pavel Nikolaev, Sivaram Arepalli, :
Mark S.F. Clarke, Daniel L. :
Feeback :
Application No. 10/191,631 :
Filed: July 9, 2002 :
Title: ISOLATION AND PURIFICATION
OF SINGLE WALLED CARBON NANOTUBE
STRUCTURES

LETTER

Dear Mr. Feeback:

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 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, agent 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 Cliff Congo at (703) 305-0272. 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

Cliff Congo
Petitions Attorney
Office of Petitions

Wayne M. Kennard
Hale and Dorr LLP
Boston, Massachusetts 02109
(617)526-6183

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WILMER CUTLER PICKERING
HALE AND DORR LLP
60 STATE STREET
BOSTON MA 02109

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OFFICE OF PETITIONS

In re Application of:	:	
Arepalli et al.	:	
Application No. 11/656690	:	DECISION DISMISSING
Filing or 371(c) Date: 01/23/2007	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
ISOLATION AND PURIFICATION OF	:	
SINGLE WALLED CARBON	:	
NANOTUBE STRUCTURES	:	

This is in response to a "Petition to Establish Ownership of Application Under 37 C.F.R. § 3.73(b) and Petition Under 37 C.F.R. § 1.47(a)," filed July 6, 2007, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor. The petition to establish ownership is properly treated under 37 CFR 1.182.

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 present application was filed on January 23, 2007, without, a fully executed oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application, on February 20, 2007, requiring *inter alia*, a properly signed oath or declaration. The present application is a divisional application of application 11/479,612, which is a continuation of application 10/191,631.

Applicant files a copy of a "Petition to Establish Ownership of Application Under 37 C.F.R. § 3.73(b) and Petition Under 37 C.F.R. § 1.47(a)," filed February 6, 2003, in application 10/191,636, and a copy of the Decision granting the petition in application 10/191,636, in response to the Notice mailed in the present application. No oath/declaration has been filed.

Petition to Establish Ownership

Applicant is advised that it is the Assignee who establishes ownership in an application. Applicant is directed to 37 CFR 3.73 and MPEP 324 for the procedure to establish ownership; situations when ownership must be established, and situations when ownership need not be established. Applicant is also advised that

> A decision granting a petition under 37 CFR 1.47 does not alter the ownership interest or title of the application. If the nonsigning inventor has not signed an assignment document which has been recorded in the USPTO, then the 37 CFR 1.47 applicant (the company that files the petition under 37 CFR 1.47(b) and establishes proprietary interest in the application) is NOT the assignee of the entire interest of the application.

MPEP 409.03

Also note that the petition filed wherein ownership must be established is under 37 CFR 1.47(b), not 37 CFR 1.47(a). A petition under 37 CFR 1.47(a) is filed to allow the other inventors to proceed with the application on behalf of themselves and the nonsigning inventor(s), whereas a petition under 37 CFR 1.47(b) is filed to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors.

Petition under 37 CFR 1.47(a)

Applicable law, Rules and/or MPEP

37 CFR 1.63(d) states:

> (1) A newly executed oath or declaration is not required under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application, provided that:
> (i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;
> (ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;
> (iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and
> (iv) A copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application.
> (2) The copy of the executed oath or declaration submitted under this paragraph for a continuation or divisional application must be accompanied by a statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application.
> (3) Where the executed oath or declaration of which a copy is submitted for a

continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:
(i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c); and
(ii) If one or more inventor(s) or legal representative(s) who refused to join in the prior application or could not be found or reached has subsequently joined in the prior application or another application of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c), a copy of the subsequently executed oath(s) or declaration(s) filed by the inventor or legal representative to join in the application.

Analysis

This application is not a continuation or divisional application of application 10/191,631. Because this application is not a continuation or divisional application of application 10/191,631, it is inappropriate to file a copy of the prior petition and decision from application 10/191,631. However, the present application is a divisional application of application 11/479,612, which is a continuation of application 10/191,631, and a review of Application 11/479,612, which is a continuation of application 10/191,631, reveals that no oath/declaration has been filed therein.

As such, Applicant is advised to comply with the procedures of 37 CFR 1.63(d) in application 11/479,612, which is a continuation of application 10/191,631.

Thereafter Applicant may file a request for reconsideration of the present petition and therein comply with 37 CFR 1.63(d) in the present application, which is a divisional application of application 11/479,612.

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

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

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

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

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WILMER CUTLER PICKERING
HALE AND DORR LLP
60 STATE STREET
BOSTON MA 02109

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FEB 0 1 2008

OFFICE OF PETITIONS

In re Application of:	:	
Arepalli et al.	:	
Application No. 11/656690	:	DECISION GRANTING
Filing or 371(c) Date: 01/23/2007	:	STATUS UNDER
Title of Invention:	:	37 CFR 1.47(a)
ISOLATION AND PURIFICATION OF	:	
SINGLE WALLED CARBON	:	
NANOTUBE STRUCTURES	:	

This is in response to a "Request for Reconsideration of Petition Under 37 CFR 1.63(d)(1)(iv)," filed January 25, 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 properly treated under 37 CFR 1.47(a).

As provided in 37 CFR 1:63(d)

> (1) A newly executed oath or declaration is not required under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application, provided that:
> (i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;
> (ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;
> (iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and
> (iv) A copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application.
> (2) The copy of the executed oath or declaration submitted under this paragraph for a continuation or divisional application must be accompanied by a statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application.
> (3) Where the executed oath or declaration of which a copy is submitted for a

continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:
(i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c); and
(ii) If one or more inventor(s) or legal representative(s) who refused to join in the prior application or could not be found or reached has subsequently joined in the prior application or another application of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c), a copy of the subsequently executed oath(s) or declaration(s) filed by the inventor or legal representative to join in the application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.63(d). This application is hereby accorded Rule 1.47(a) status. The Office will dispense with the Notice to the nonsigning inventor and the announcement in the Official Gazette.[1].

The application file is being referred to the Office of Patent Application Processing for continued processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

[1] See 37 CFR 1.47(c) and MPEP 201.06(c).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS MN 55415-1002

MAILED
APR 19 2010
OFFICE OF PETITIONS

In re Patent No. 7,688,467	:	
Issued: March 30, 2010	:	
Application No. 11/656,693	:	ON PETITION
Filed: January 23, 2007	:	
Attorney Docket No: **A849.312-0002**	:	

This is a decision regarding your request for acceptance of a fee deficiency submission and loss of small entity status filed February 25, 2010. The request is being treated as a petition under 37 CFR 1.28.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc.. 154 F.33d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted and the petition is **GRANTED**. Status as a small entity has also been removed.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball

Patricia Faison-Ball
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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JUN 04 2007

OFFICE OF PETITIONS

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

In re Application of	:	
Sydney Brenner et al.	:	
Application No. 11/656,762	:	DECISION ON PETITION
Filed: January 22, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. CGLC-008	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 22, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 1637 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Klotzer Patents
4579 Laclede Avenue, #210
Saint Louis MO 63108

In re Application of	:	
DREESSEN, JOEL ADAM	:	
Application No. 11/656804	:	**DECISION ON PETITION**
Filed: January 22, 2007	:	
Attorney Docket No. **090705/001001**	:	

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) on March 11, 2010.

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 May 15, 2009. The Notice of Abandonment, mailed on September 9, 2009 indicates, "The submitted fee of $1050 is insufficient. A balance of $5 is due".

In light of the non-compliance with 37 CFR 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 inquires with respect to filing a petition under 37 CFR § 1.137 may 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 matter may be directed to the undersigned at (703) 756-1500

Kendrick Spruill
Office of the Director
Office of Patent Publications

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.

CYR & ASSOCIATES, P.A.
605 U.S. Highway 169
Suite 300
Plymouth MN 55441

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MAR 2 7 2008

OFFICE OF PETITIONS

In re Application of	:	
Randall Shimanski	:	
Application No. 11/656,810	:	DECISION ON PETITION
Filed: January 22, 2007	:	PURSUANT TO
Attorney Docket Number:	:	37 C.F.R. § 1.137(B)
1058-007	:	
Title: RESTRAINT APPARATUS	:	
AND METHODS	:	

This is a decision on the petition filed January 14, 2008, pursuant to 37 C.F.R. § 1.137(b)[1], to revive the above-identified application.

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

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

---

1 A grantable petition pursuant to 37 C.F.R § 1.137(b) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

mailed February 15, 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 16, 2007. A notice of abandonment was mailed on November 9, 2007.

37 C.F.R. § 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 C.F.R. § 1.137(b) was unintentional. Since the statement contained in this petition varies from the language required by 37 C.F.R. § 1.137(b)(3), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.137(b)(3) and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

With this petition, Petitioner has submitted the petition fee, a declaration along with the surcharge associated with the late submission of the same, and a statement that is being construed as the proper statement of unintentional delay. No terminal disclaimer is required.

Petitioner has met the first three requirements of Rule 1.137(b). The fourth requirement is not applicable.

Petitioner has also submitted a three-month extension of time. An extension of time under 37 C.F.R. § 1.136 must be filed prior to the expiration of the maximum extendable period for reply[2]. Accordingly, since the $ 525 extension of time submitted with the petition on January 14, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to Petitioner's deposit account.

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

---

2 See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[3].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

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.

DATE 3-28-08

APPLICATION NUMBER 11/656,810

DOC CODE WFEE

DOC DATE 3/27/08

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

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

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

OIPE IAP17
JAN 14 2008
PATENT & TRADEMARK OFFICE

PTO/SB/22 (09-06)
Approved for use through 03/31/2007. 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 2006 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)	Docket Number (Optional) 1058-007
Application Number 11/656,810	Filed January 22, 2007
For RESTRAINT APPARATUS AND METHODS	
Art Unit 3679	Examiner Not Yet Assigned

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))	$120	$60	$
☐	Two months (37 CFR 1.17(a)(2))	$450	$225	$
☑	Three months (37 CFR 1.17(a)(3))	$1020	$510	$ 525.00
☐	Four months (37 CFR 1.17(a)(4))	$1590	$795	$
☐	Five months (37 CFR 1.17(a)(5))	$2160	$1080	$

☑ 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 50-3141. I have enclosed a duplicate copy of this sheet.

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.

Repln. Ref: 03/27/2008 CKHLOK 0011011500
DA#:503141 Name/Number:11656810
FC: 9204 $525.00 CR

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 40,976

☐ attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

Signature — Date: January 8, 2008

Kevin W. Cvr — Typed or printed name

763-587-7076 — 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.

01/15/2008 CHEGA1 00000008 11656810
03 FC:2253 -525.00 OP
Adjustment date: 03/27/2008 CKHLOK
03 FC:2253 525.00 OP

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 03/25/08

2 Serial/Patent # 11656810

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
X	Extension of Time	none	01/14/08	$ 525.00
	Notice of Appeal/Appeal			$
	Petition			$
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND $ 525.00

8 TO BE REFUNDED BY:

	Treasury Check
	Credit Deposit A/C #:

9 5 0 -- 3 1 4 1

10 REASON:

	Overpayment
	Duplicate Payment
X	No Fee Due (Explanation):

Extensions of time cannot be accepted after the maximum extendable period of time has passed.

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Paul Shanoski TITLE: Senior Attorney

SIGNATURE: [signature] PHONE: 571-272-3225

OFFICE: Office of Petitions

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: [signature] DATE: 3/27/08

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

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

PATTI, HEWITT & AREZINA LLC
ONE NORTH LASALLE STREET
44TH FLOOR
CHICAGO IL 60602

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AUG 0 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Peter Dragic.	:	
Application No. 11/656812	:	DECISION ON PETITION
Filing or 371(c) Date: 01/23/2007	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. NEO-061509/NEO-104	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed June 27, 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.

The petition does not comply with item (1).

As to item (1), a grantable petition to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application requires the reference to be included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title.

Also 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.

Finally, also note that 37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 CFR 1.27(c)(2)(ii), filed in the application must be signed by an appropriate party. Therefore, a supplemental ADS filed after the filing of an application must be signed in accordance with 37 CFR 1.33(b).

Before the petition may 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 is required.

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

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

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

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

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

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PATTI, HEWITT & AREZINA LLC
ONE NORTH LASALLE STREET
44TH FLOOR
CHICAGO IL 60602

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AUG 18 2008

In re Application of	:
Peter Dragic.	:
Application No. 11/656813	: DECISION ON PETITION
Filing or 371(c) Date: 01/23/2007	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. NEO-061508/NEO-107	:

This is a decision on the petition under 37 CFR 1.78(a)(6), filed June 27, 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.

The petition does not comply with item (1).

As to item (1), a grantable petition to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application requires the reference to be included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title.

Also 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.

Finally, also note that 37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 CFR 1.27(c)(2)(ii), filed in the application must be signed by an appropriate party. Therefore, a supplemental ADS filed after the filing of an application must be signed in accordance with 37 CFR 1.33(b).

Before the petition may be granted, a renewed petition and either an Application Data Sheet or an Amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters is required.

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

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

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

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

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

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 15 2007

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

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

In re Application of	:
Sydney Brenner et al	:
Serial No.: 11/656,830	: PETITION TO MAKE SPECIAL
Filed: January 22, 2007	:
Attorney Docket No.: CGLC-009	:

This is in response to the petition filed January 22, 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

SILBER & FRIDMAN
1037 ROUTE 46 EAST
SUITE 207
CLIFTON NJ 07013

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MAR 01 2010

In re Application of	:	
Justin W. MARCHESE SR., et al	:	
Application No. 11/656,836	:	DECISION ON PETITION
Filed: January 23, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. F0625	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 17, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement signed by Applicant Justin W. Marchese Sr. 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 3700.

The application is being forwarded to Technology Center Art Unit 3726 for action on the merits commensurate with this decision.

/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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON PEABODY, LLP
161 N. CLARK STREET, 48TH FLOOR
CHICAGO, IL 60601-3213

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FEB 28 2008

OFFICE OF PETITIONS

In re Application of	:	
SIMONI, Jacquelyn R.	:	
Application No. 11/656,844	:	DECISION ON PETITION
Filed: January 23, 2007	:	TO WITHDRAW
Attorney Docket No. **64682-00006USP1**	:	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 August 20, 2007.

The request is **NOT APPROVED.**

A review of the file record indicates that attorneys associated with Customer Number 70001 do not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

Please note that if the requesting attorneys (customer number 70001) are withdrawing by customer number, they must have been originally appointed by the same customer number.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: STEHPEN G. RUDISILL
JENKENS & GILCHRIST
225 W. WASHINGTON STREET, SUITE 2600
CHICAGO, IL 60606-3418

UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 17 2008
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NIXON PEABODY, LLP
161 N. CLARK STREET, 48TH FLOOR
CHICAGO, IL 60601-3213

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FEB 28 2008

OFFICE OF PETITIONS

In re Application of	:	
SIMONI, Jacquelyn R.	:	
Application No. 11/656,844	:	DECISION ON PETITION
Filed: January 23, 2007	:	TO WITHDRAW
Attorney Docket No. **64682-00006USP1**	:	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 August 20, 2007.

The request is **NOT APPROVED.**

A review of the file record indicates that attorneys associated with Customer Number 70001 do not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

Please note that if the requesting attorneys (customer number 70001) are withdrawing by customer number, they must have been originally appointed by the same customer number.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: STEHPEN G. RUDISILL
JENKENS & GILCHRIST
225 W. WASHINGTON STREET, SUITE 2600
CHICAGO, IL 60606-3418

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
11/656,855	01/23/2007	Thomas M. Graettinger	MICRON.083C2DD1

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

DATE MAILED: September 25, 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

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.

CYR & ASSOCIATES, P.A.
605 U.S. Highway 169
Suite 300
Plymouth MN 55441

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JUL 21 2008

In re Application of	:	
Louis F. Polk, III	:	
Application No. 11/656,870	:	DECISION ON PETITION
Filed: January 22, 2007	:	PURSUANT TO
Attorney Docket No,: 1077-002	:	37 C.F.R. § 1.137(a)
Title: PACKAGING APPARATUS AND	:	
METHODS FOR DEMONSTRATING	:	
OBJECT MOTION	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(a), filed on June 16, 2008, to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(a) is **DISMISSED.**

This application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed May 10, 2007, which set a shortened statutory period for reply of two months. The response that was received on May 29, 2007 was not a proper response. A notice of incomplete reply was mailed on June 11, 2007, and this communication did not extend the period of time for response that was set by the mailing of May 10, 2007. No response to this communication 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 June 11, 2007. A notice of abandonment was mailed on May 19, 2008.

The Applicable Standard

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard:

> In the specialized field of patent law, . . . the Commissioner of Patent and Trademarks is primarily responsible for the

application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference[1].

[T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts **clearly** demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked **any** basis in reason or common sense[2].

The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law[3].'

The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency[4].

Nonawareness of a PTO rule will not constitute unavoidable delay[5]

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1 Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA 1152 (Fed. Cir. 1988) ("an agency's interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

2 Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

3 Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct.1241, 1244 (1973) (citing 5 U.S.C. 706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir.1982)).

4 Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

5 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)). Although court decisions have only addressed the issue of lack of knowledge of an attorney, there is no reason to expect a different result due to lack of knowledge on the part of a pro se (one who prosecutes on his own) applicant. It would be inequitable for a court to determine that a client who spends his hard earned money on an attorney who happens not to know a specific rule should be held to a higher standard than a pro se applicant who makes (or is forced to make) the decision to file the application without the assistance of counsel. See also Donnelley v. Dickinson, 123 Fsupp2d 456, 459.

The burden of showing the cause of the delay is on the person seeking to revive the application[6].

> "[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."[7]

The general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"[8]

A delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice, or the MPEP is not rendered "unavoidable" due to either the applicant's reliance upon oral advice from USPTO employees or the USPTO's failure to advise the applicant to take corrective action[9].

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[10].

A petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable[11]."

The Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and the applicant is bound by the consequences of those actions or inactions[12]. Specifically, petitioner's delay caused by the mistakes or negligence of his voluntarily chosen

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6 Id.
7 See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

8 See In re Mattulah, 38 App. D.C. 497 (D.C. Cir. 1912).

9 See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).
10 In re Mattullath, 38 App. D.C. at (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).
11 Haines, 673 F. Supp. at 314, 316-17; 5 USPQ2d at 1131-32.
12 Link v. Wabash, 370 U.S. 626, 633-634 (1962).

representative does not constitute unavoidable delay within the meaning of 35 U.S.C. § 133[13].

The actions of the attorney are imputed to the client, for when a petitioner voluntarily chooses an attorney to represent him, the petitioner cannot later distance himself from this attorney, so as to avoid the repercussions of the actions or inactions of this selected representative, for clients are bound by the acts of their lawyers/agents, and constructively possess "notice of all facts, notice of which can be charged upon the attorney[14]."

In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account[15]."

A petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable[16]."

The Applicable Sections of the C.F.R. and MPEP

37 C.F.R. § 1.84(l) sets forth, *in pertinent part*:

> All drawings must be made by a process which will give them satisfactory reproduction characteristics.

37 C.F.R. § 1.134 sets forth, *in toto*:

> An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

> (a) If an applicant of a patent application fails to reply within the
> time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

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13 Haines, 673 F.Supp. at 316-17, 5 U.S.P.Q.2d at 1131-32; Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 103, 131 (Comm'r Pat. 1891).
14 Link at 633-634.
15 Smith v. Mossinghoff, 671 F.2d at 538; 213 USPQ at 982.
16 Haines, 673 F. Supp. at 314, 316-17; 5 USPQ2d at 1131-32.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

MPEP § 608.01 sets forth, *in pertinent part*:

Applicants must make every effort to file patent applications in a form that is clear and reproducible. If the papers are not of the required quality, substitute typewritten or mechanically printed papers of suitable quality will be required. See 37 CFR 1.125 for filing substitute typewritten or mechanically printed papers constituting a substitute specification required by the Office. See also MPEP § 608.01(q). **All papers which are to become a part of the permanent records of the U.S. Patent and Trademark Office must be legibly written** either by a typewriter or mechanical printer in permanent dark ink or its equivalent in portrait orientation on flexible, strong, smooth, nonshiny, durable, and white paper. Typed, mimeographed, xeroprinted, multigraphed or nonsmearing carbon copy forms of reproduction are acceptable.

Where an application is filed with papers that do not comply with 37 CFR 1.52, the Office of Initial Patent Examination will mail a "Notice to File Corrected Application Papers" indicating the deficiency and setting a time period within which the applicant must correct the deficiencies to avoid abandonment. The failure to submit application papers in compliance with 37 CFR 1.52 does not effect the grant of a filing date, and original application papers that do not comply with 37 CFR 1.52 will be retained in the application file as the original disclosure of the invention. The USPTO will not return papers simply because they do not comply with 37 CFR 1.52.

Legibility includes ability to be photocopied and photomicrographed so that suitable reprints can be made and ability to be electronically reproduced by use of digital imaging and optical character recognition. This requires a high contrast, with black lines and a white background. Gray lines and/or a gray background sharply reduce photo reproduction quality. Legibility of some application papers may become impaired due to abrasion or aging of the printed material during examination and ordinary handling of the file. It may be necessary to require that legible and permanent copies be furnished at later stages after filing, particularly when preparing for issue.

Emphases added.

Analysis

A grantable petition pursuant to 37 C.F.R. § 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 as set forth in 37 C.F.R. § 1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, 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 fee that is associated with the filing of a petition pursuant to this section of the C.F.R., along with a set of drawings. As such, Petitioner has met requirements (1) and (2) of Rule 1.137(a). The fourth requirement is not applicable, as no terminal disclaimer is required.

Regarding the third requirement of Rule 1.137(a), Petitioner has not established that the entire period of delay was unavoidable.

This application was deposited on January 22, 2007, along with 8 sheets of drawings:

1. A Notice to File Corrected Application Papers (first notice) was mailed on February 15, 2007, requiring replacement drawings due to the fact that the drawings that had been submitted on filing were not of an acceptable quality. In response to this first notice, Petitioner submitted 8 sheets of replacement drawings, which were received in the Office on April 19, 2007[17].

2. On May 10, 2007, this first notice was withdrawn via the mailing of a "Withdrawal of Previously Sent Notice." A "Notice to File Corrected Application Papers" (second notice) was mailed on this same date, indicating that

17 It is noted that this response contains a certificate of mailing dated April 16, 2007, and that April 14, 2007 fell on a Saturday.

replacement drawings would be required due to the fact that the drawings that had been submitted on filing were not of an acceptable quality[18]. On May 29, 2007, 8 sheets of replacement drawings were received in the Office, in response to this second notice.

3. On June 11, 2007, the Office mailed a Notice of Incomplete Reply (third notice), indicating that the drawings that had been received on May 29, 2007 were not of an acceptable quality. This third notice did not extend the period for response that was set by the second notice. As set forth above, no response to this third notice was received in the Office.

Petitioner has asserted that a response was timely submitted in response to the second notice. **The petition is silent as to the third notice.** Petitioner may wish to review the third notice of June 11, 2007 in the image file wrapper. Since Petitioner has not made any reference to this third notice, it follows that **he has not explained why the entire period of delay in submitting a response to this third notice was unavoidable.**

Moreover, it is noted in passing that Petitioner has asserted:

> While smudges, dots, and other extraneous copy marks are visible in the drawings in Image File Wrapper, such were not present in either the original drawings nor in the copies thereof submitted to the Office. Applicants respectfully suggests that these smudges, dots, and other copy marks are artifacts of the scanning process employed by the Office and **are not the fault of the Applicant** (emphasis added).

Petitioner's assertion does not appear to be accurate. Pursuant to the portions of 37 C.F.R. 1.84(l) and MPEP § 608.01 that have been reproduced above, applicants are required to ensure that the papers that they submit to the Office are electronically reproducible. The drawings that Petitioner submitted to the Office were not electronically reproducible, and as such, they could not have been accepted.

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 pursuant to 37 C.F.R. § 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

---

18 It is noted that the reason set forth in the second notice differed from the reasons that had been set forth in the first notice.

Alternatively, Petitioner may file a petition pursuant to 37 C.F.R. § 1.137(b). Unless Petitioner believes that he can successfully establish that the entire period of delay was unavoidable, he may wish to file pursuant to the unintentional standard.

Any submission in response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[19], hand-delivery[20], or facsimile[21]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[22].

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 Senior Attorney Paul Shanoski at (571) 272-3225[23]. All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

19 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
20 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
21 (571) 273-8300- please note this is a central facsimile number.
22 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
23 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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AUG 2 9 2008

CYR & ASSOCIATES, P.A.
605 U.S. Highway 169
Suite 300
Plymouth MN 55441

In re Application of Louis F. Polk, III Application No. 11/656,870 Filed: January 22, 2007 Attorney Docket No,: 1077-002 Title: PACKAGING APPARATUS AND METHODS FOR DEMONSTRATING OBJECT MOTION	DECISION ON RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.137(a)

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(a), filed on August 15, 2008, to revive the above-identified application. A supplement to this petition was filed on August 25, 2008.

This renewed petition pursuant to 37 C.F.R. § 1.137(a) is **GRANTED**.

This application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed May 10, 2007, which set a shortened statutory period for reply of two months. The response that was received on May 29, 2007 was not a proper response. A notice of incomplete reply was mailed on June 11, 2007, and this communication did not extend the period of time for response that was set by the mailing of May 10, 2007. No response to this communication 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 June 11, 2007. A notice of abandonment was mailed on May 19, 2008.

The Applicable Standard

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard:

> In the specialized field of patent law, . . . the Commissioner of Patent and Trademarks is primarily responsible for the application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference[1].
>
> [T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts **clearly** demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked **any** basis in reason or common sense[2].
>
> The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law[3].'
>
> The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency[4].

Nonawareness of a PTO rule will not constitute unavoidable delay[5]

---

1 Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA 1152 (Fed. Cir. 1988) ("an agency's interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

2 Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

3 Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct.1241, 1244 (1973) (citing 5 U.S.C. 706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir.1982)).

4 Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

5 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)). Although court decisions have only addressed the

The burden of showing the cause of the delay is on the person seeking to revive the application[6].

> "[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."[7]

The general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"[8]

A delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice, or the MPEP is not rendered "unavoidable" due to either the applicant's reliance upon oral advice from USPTO employees or the USPTO's failure to advise the applicant to take corrective action[9].

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[10].

---

issue of lack of knowledge of an attorney, there is no reason to expect a different result due to lack of knowledge on the part of a pro se (one who prosecutes on his own) applicant. It would be inequitable for a court to determine that a client who spends his hard earned money on an attorney who happens not to know a specific rule should be held to a higher standard than a pro se applicant who makes (or is forced to make) the decision to file the application without the assistance of counsel. See also Donnelley v. Dickinson, 123 Fsupp2d 456, 459.

6 Id.
7 See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

8 See In re Mattulah, 38 App. D.C. 497 (D.C. Cir. 1912).

9 See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).
10 In re Mattullath, 38 App. D.C. at (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).

A petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable[11]."

The Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and the applicant is bound by the consequences of those actions or inactions[12]. Specifically, petitioner's delay caused by the mistakes or negligence of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 U.S.C. § 133[13].

The actions of the attorney are imputed to the client, for when a petitioner voluntarily chooses an attorney to represent him, the petitioner cannot later distance himself from this attorney, so as to avoid the repercussions of the actions or inactions of this selected representative, for clients are bound by the acts of their lawyers/agents, and constructively possess "notice of all facts, notice of which can be charged upon the attorney[14]."

In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account[15]."

A petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable[16]."

The Applicable Sections of the C.F.R. and MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

> An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

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11 Haines, 673 F. Supp. at 314, 316-17; 5 USPQ2d at 1131-32.
12 Link v. Wabash, 370 U.S. 626, 633-634 (1962).
13 Haines, 673 F.Supp. at 316-17, 5 U.S.P.Q.2d at 1131-32; Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 103, 131 (Comm'r Pat. 1891).
14 Link at 633-634.
15 Smith v. Mossinghoff, 671 F.2d at 538; 213 USPQ at 982.
16 Haines, 673 F. Supp. at 314, 316-17; 5 USPQ2d at 1131-32.

37 C.F.R. § 1.135 sets forth, *in toto*:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c)(I)(A) sets forth, *in toto*:

> In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by

the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

(Emphases added).

Analysis

A grantable petition pursuant to 37 C.F.R. § 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 as set forth in 37 C.F.R. § 1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, 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.

An original petition was submitted on June 16, 2008, and was dismissed via the mailing of a decision on July 21, 2008. The decision indicated that requirements (1) and (2) of Rule 1.137(a) had been met, and that the fourth requirement is not applicable, as no terminal disclaimer is required.

Regarding the third requirement of Rule 1.137(a), Petitioner has established that the entire period of delay was unavoidable.

This application was deposited on January 22, 2007, along with 8 sheets of drawings:

1. A Notice to File Corrected Application Papers (first notice) was mailed on February 15, 2007, requiring replacement drawings due to the fact that the drawings that had been submitted on filing were not of an acceptable quality. In response to this first notice, Petitioner submitted 8 sheets of replacement drawings, which were received in the Office on April 19, 2007[17].

2. On May 10, 2007, this first notice was withdrawn via the mailing of a "Withdrawal of Previously Sent Notice." A "Notice to File Corrected Application Papers" (second notice) was mailed on this same date, indicating that replacement drawings would be required due to the fact that the drawings that had been submitted on filing were not of an acceptable quality[18]. On May 29, 2007, 8 sheets of replacement drawings were received in the Office, in response to this second notice.

3. On June 11, 2007, the Office mailed a Notice of Incomplete Reply (third notice), indicating that the drawings that had been received on May 29, 2007 were not of an acceptable quality. This third notice did not extend the period for response that was set by the second notice. As set forth above, no response to this third notice was received in the Office.

With this renewed petition, Petitioner has asserted that the notice of June 11, 2007 was not received at the correspondence address of record, has stated that a master docket does not exist, has included a copy of the record used by the

17 It is noted that this response contains a certificate of mailing dated April 16, 2007, and that April 14, 2007 fell on a Saturday.
18 It is noted that the reason set forth in the second notice differed from the reasons that had been set forth in the first notice.

practitioner where the non-received Office action would have been entered, has indicated 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, and has included a copy of the individual docket record for this application.

With the renewed petition and the supplement to the same, Petitioner has sufficiently described the system used for recording an Office action received at the correspondence address of record with the USPTO and established that the docketing system is sufficiently reliable.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the drawings that were received on June 16, 2008 may receive further processing.

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 OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

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.[19]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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19 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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THE LAW OFFICE OF RANDALL T. ERICKSON, P.C.
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FEB 12 2009

OFFICE OF PETITIONS

In re Application of
Paul Simon Perkins II
Application No. 11/656,901
Filed: January 23, 2007
Attorney Docket No. 6677P011US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)[1], filed January 22, 2009, to revive the above-identified application.

The petition is **GRANTED**.

A Final Office Action was mailed May 9, 2008 setting a three month shortened statutory period for reply. A response was filed August 11, 2008, but by Advisory Action of November 5, 2008, petitioner was advised that the response did not place the application in condition for allowance. Accordingly, the Notice of Abandonment was mailed December 15, 2008.

The only proper reply to a final Office action is an amendment placing the application in *prima facie* condition for allowance, a Notice of Appeal accompanied by the requisite fee, a Request for Continued Examination (RCE) accompanied by a proper submission, or a continuing application.

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

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

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 application under 37 CFR 1.53(b); (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

Since the response to the office action mailed May 9, 2008 has not been provided, this application is being revived for purposes of continuity only.

Since continuity has been established by this decision reviving the application, the application is again abandoned in favor of continuation application no.12/358,223 deposited January 22, 2009, pursuant to the provisions of 37 CFR 1.53(b).

This matter is being referred to Technology Center 3765 for processing of the continuation application filed January 22, 2009.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/656,902	01/23/2007	Akio Ozawa	021964/337156	1930

826 7590 05/05/2009
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER
CAHN, DANIEL P

ART UNIT	PAPER NUMBER
3634	-

MAIL DATE	DELIVERY MODE
05/05/2009	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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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

Applicant: Ozawa
Appl. No.: 11/656,902
Filing Date: January 23, 2007
Title: SASH WINDOW ASSEMBLY
Attorney Docket No.: 021964/337156
Pub. No.: US 2007/0186478 A1
Pub. Date: August 16, 2007

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on May 1, 2009, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, **as a Pre-Grant publication submission.** The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

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

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Kaletus Buchanan
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 05/05/2009 KKING1
05/04/2009 INTEFSW 00001132 160605 11656902
01 FC:1504 300.00 CR

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MARK D. BOWEN
STEARNS WEAVER MILLER, ET AL
SUITE 2100
200 EAST LAS OLAS BOULEVARD
FORT LAUDERDALE, FL 33301

COPY MAILED

NOV 27 2007

OFFICE OF PETITIONS

In re Application of Eric SPENCER Application No. 11/656,915 Filed: January 23, 2007 Attorney Docket No. 4526.002	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 20, 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 Mark D. Bowen on behalf of all agents/attorneys of record who are associated with Customer No. 27324.

All attorneys/agents of record associated with Customer No. 27324 have been withdrawn.

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

The correspondence address of record has been changed, all future communications from the Office will be directed to the inventor indicated below until otherwise properly notified.

There is an outstanding Office action mailed July 9, 2007, that requires a reply by the applicant.

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

April Wise
Petitions Examiner
Office of Petitions

cc: ERIC SPENCER
3109 GRANDFLORA DRIVE
GREEN ACRES, FL 33467

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/656,915	01/23/2007	Eric Spencer	4526.002

CONFIRMATION NO. 2504

POWER OF ATTORNEY NOTICE

OC000000026547503

27324
MARK D. BOWEN, ESQ.
Sterns, Weaver, Miller, Weissler, Alhadeff & Sitte
NEW RIVER CENTER
200 EAST LAS OLAS BLVD, SUITE 2100
FT. LAUDERDALE, FL 33301

Date Mailed: 10/31/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/20/2007.

- 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

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OFFICE OF PETITIONS

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS MN 55415-1002

In re Patent No. 7,567,361	:	
Issued: July 28, 2009	:	
Application No. 11/656,920	:	ON PETITION
Filed: January 23, 2007	:	
Attorney Docket No: **A849.312-0001**	:	

This is a decision regarding your request for acceptance of a fee deficiency submission and loss of small entity status filed February 25, 2010. The request is being treated as a petition under 37 CFR 1.28.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc.. 154 F.33d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted and the petition is **GRANTED**. Status as a small entity has also been removed.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

Mail Date: 04/21/2010

Applicant	: Kenro Sekine	: DECISION ON REQUEST FOR
Patent Number	: 7653310	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/657,004	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **538** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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JUN 18 2010

OFFICE OF PETITIONS

In re Patent No. 7,653,310	:	
Issue Date: January 26, 2010	:	
Application No. 11/657,004	:	DECISION ON PETITION
Filed: January 24, 2007	:	
Attorney Docket No. HITA.920	:	

This is a decision on the Request To Correct Assignee And For Certificate Of Correction Under 37 CFR 3.81(b), filed on March 30, 2010, requesting correction on the Title Page of the subject patent to identify the correct assignee's name. The Request is being treated as a Petition. A completed Certificate of Correction Form (PTO/SB/44) was submitted with the petition.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct the assignee's name on the previously submitted PTOL-85B. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of a Certificate of Correction, to correct the assignee's name identified thereon from:

"Hitachi Communication Technologies, Ltd."

to:

--Hitachi, Ltd.--

37 CFR 3.81(b), effective June 25, 2004, reads:

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

The requisite $100.00 fee (Fee Code 1811) as set forth under 37 CFR 1.20(a) was previously submitted. However, the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(h), was accompanied deposit account authorization to charge any required fees. As such, the fee has been charged as authorized. Further, Office assignment records are consistent with the requested correction. Accordingly, it is appropriate for any other reasons that the Office may have to issue a Certificate of Correction in accordance with the content of the Form PTO/SB-44 submitted with the present Petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,653,310.

Cheryl Gibson Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/657,055	01/24/2007	Keum Bae Yoo	116511-00219	2814

7590 02/18/2009
BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

EXAMINER
KOAGEL, JONATHAN BRYAN

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
02/18/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
02/19/2009 NFARMER 0000166190

CHECK Refund Total: $500.00

Adjustment date: 02/19/2009 NFARMER
01/25/2007 GWORDOF1 00000049 11657055
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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OSI PHARMACEUTICALS, INC.
41 PINELAWN ROAD
MELVILLE, NY 11747

Mail Date: 04/21/2010

Applicant	: Andrew Philip Crew	: DECISION ON REQUEST FOR
Patent Number	: 7659274	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/657,156	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **291** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

DANIEL B. SCHEIN, PH.D., ESQ., INC.
P. O. BOX 68128
Virginia Beach VA 23471

MAILED

JUL 14 2010

OFFICE OF PETITIONS

In re Application of Stephen Tickle Application No. 11/657,180 Filed: January 24, 2007 Attorney Docket No. **12016-3**	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed June 14, 2010.

The request is **APPROVED**.

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

The request was signed by Patrick D. Lowder, Esq. on behalf of himself who is associated with the above-identified application.

The attorney/agent (Patrick D. Lowder Esq.) is hereby withdrawn.

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

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Patrick D. Lowder, Esq.
4510 Holland Office Park, Ste. 517
Virginia Beach, VA 23452-1140

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 J.D. GERAIGERY, P.C.
56 CREIGHTON STREET
CAMBRIDGE MA 02140

COPY MAILED

MAR 19 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of
Nan Zhang et al. :
Application No. 11/657,214 :
Filed: January 23, 2007 :
Attorney Docket Number: 229-001 :

This is a decision on the petition under 37 CFR 1.137(b)[1], filed January 24, 2008, to revive the above identified application.

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)".This is **not** a final agency decision.

This application became abandoned for failure to timely respond to the Notice to File Missing Parts mailed March 12, 2007. Accordingly, a Notice of Abandonment was mailed November 19, 20007.

Pursuant to 37 CFR 1.137(b) however, the instant petition lacks item (1) of the regulation.

The Notice mailed March 12, 2007 required the submission of additional fees in the amount of $615.00 (filing, search, examination, surcharge and returned check fees). In response to the Notice mailed March 12, 2007 the fees submitted are deficient by $15.00 in that the fees paid were based on the fees that would have been due on March 12, 2007 when the notice was sent. However, since that Notice was sent, a revised fee schedule was published. Fees due therefore would have been based on the current fee scheduled effective September 30, 2007.

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[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

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

Since the fees are deficient and no authorization was given for debiting a deposit account or charging a credit card, a proper reply to the Notice to File Missing Parts has not been filed.

In view of the above, the application will remain in an abandoned status until such time as the balance of the examination fees in the amount of $15.00 has been paid, in compliance with the Notice to File Missing Parts.

Petitioners are cautioned to verify the currect fees due prior to paying the fees with a renewed petition.

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

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

By FAX: (571) 273-8300

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICES OF J.D. GERAIGERY, P.C.
56 CREIGHTON STREET
CAMBRIDGE MA 02140

COPY MAILED

APR 23 2008

In re Application of
Nan Zhang et al. :
Application No. 11/657,214 : ON PETITION
Filed: January 23, 2007 :
Attorney Docket Number: 229-001 :

This is a decision on the renewed petition under 37 CFR 1.137(b)[1], filed March 31, 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 respond to the Notice to File Missing Parts mailed March 12, 2007. Accordingly, a Notice of Abandonment was mailed August 27, 2007. A petition filed January 24, 2008 under 37 CFR 1.137(b) was dismissed in a decision mailed March 19, 2008 because the petition lacked item (1) of the regulation. The Notice mailed March 12, 2007 required the submission of additional fees in the amount of $615.00 (filing, search, examination, surcharge and returned check fees). In response to the Notice mailed March 12, 2007 the fees submitted were deficient by $15.00 in that the fees paid were based on the fees that would have been due on March 12, 2007 when the notice was sent. However, since that Notice was sent, a revised fee schedule was published. Fees due therefore would have been based on the current fee schedule effective September 30, 2007.

Comes now petitioner with the instant renewed petition and additional fees to complete

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

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

the requirement as set out in the Notice mailed March 12, 2007. All other requirements having been met, this matter is being referred to the Office of Patent Application Processing 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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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WILLIAM S. FROMMER , ESQ.
FROMMER LAWRENCE & HAUG LLP
745 FIFTH AVENUE
NEW YORK, NY 10151

Mail Date: 04/23/2010

Applicant	: Shingo Nakagawa	: DECISION ON REQUEST FOR
Patent Number	: 7623544	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/657,218	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **421** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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WILLIAM S. FROMMER , ESQ.
FROMMER LAWRENCE & HAUG LLP
745 FIFTH AVENUE
NEW YORK, NY 10151

Mail Date: 05/18/2010

Applicant : Shingo Nakagawa
Patent Number : 7623544
Issue Date : 11/24/2009
Application No : 11/657,218
Filed : 01/24/2007

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/657,221	01/23/2007	Tsuyoshi Kitazaki	ION2.009AUS	3688

20995 7590 07/02/2008
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
NGUYEN, TAN QUANG

ART UNIT	PAPER NUMBER
3661	

NOTIFICATION DATE	DELIVERY MODE
07/02/2008	ELECTRONIC

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

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

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

jcartee@kmob.com
eOAPilot@kmob.com

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

MAILED
FROM DIRECTORS OFFICE

JUL 01 2008

TECHNOLOGY CENTER 3600

Knobbe Martens Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

In re application of Tsuyoshi Kitazaki et al. Application No. 11/657,221 Filed: January 23, 2007 For: APPARATUS AND METHOD FOR PREDICTING A BREAKING DISTANCE OF A 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 June 25, 2008, 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:

(1) a valid claim to priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(3) claims in the U.S. application which sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the JPO application;

(6) 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.

With respect to requirement (1), the instant application claims priority under 35 U.S.C. 119(a) to JP 2006-015355 (see Oath filed January 23, 2007). However, the request and petition indicates that the corresponding JPO application is JP 2007-012579.

Since the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant **must** identify the relationship between the JPO application that contains allowable/patentable claims and the JPO priority application claimed in the U.S. application (e.g., JPO application 2007-xxxxxx that contains the allowable/patentable claims, claims internal priority to JPO application 2006-xxxxxx, which is the priority application claimed in the U.S. application) as set forth in the "Notice Regarding Full Implementation of Patent Prosecution Highway Program Between the United States Patent and Trademark Office and the Japan Patent Office" dated December 28, 2007.

As concerns requirement (3), the claims have not be amended to sufficiently correspond to the allowable/patentable claims in the JPO application. Specifically, the JPO application recites a "deformation-component-removed acceleration data" whereas the U.S. application uses the term "modified acceleration data". These two terms are not seen as being "substantially the same or similar".

With regards to requirement (6), the JPO Office action cites four (4) Japanese references. Although two information disclosure statements (IDS) were filed in the instant application on September 20, 2007, three of the references cited by the JPO examiner, i.e., JP 2002-163793, JP 2001-126196 and JP 2005-063398, were not included on the IDS nor were copies of the references provided.

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, Quality Assurance Specialist, 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: 07/01/08

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.
11/657,221	01/23/2007	Tsuyoshi Kitazaki	ION2.009AUS	3688

20995 7590 08/19/2008
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
NGUYEN, TAN QUANG

ART UNIT	PAPER NUMBER
3661	

NOTIFICATION DATE	DELIVERY MODE
08/19/2008	ELECTRONIC

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

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

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

jcartee@kmob.com
eOAPilot@kmob.com

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

MAILED FROM
DIRECTORS OFFICE
AUG 18 2008
TECHNOLOGY CENTER 2800

Knobbe Martens Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

In re application of Tsuyoshi Kitazaki et al. Application No. 11/657,221 Filed: January 23, 2007 For: APPARATUS AND METHOD FOR PREDICTING A BREAKING DISTANCE OF A 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 August 1, 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).

In light of the identification of the relationship between the JPO application that contains allowable/patentable claims and the JPO priority application claimed in the U.S. application, the submission of an IDS listing documents cited by the JPO examiner in the JPO Office action along with copies of the documents, and the submission of a preliminary amendment amending the claims to sufficiently correspond to the allowable/patentable claims in the JPO application, the request to participate in the PPH program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 08/12/08

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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THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., PC
401 W FALLBROOK AVE STE 204
FRESNO, CA 93711-5835

MAILED

MAY 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Ming-Horing Shiu, et al.	:	
Application No. 11/657,226	:	DECISION ON PETITION
Filed: January 23, 2007	:	TO WITHDRAW
Attorney Docket No. 5QUANTA200622US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 13, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to The Law Offices of Andrew D. Fortney, PH.D., PC has been revoked by the assignee of the patent application on May 5, 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: QUANTA COMPUTER, INC.
NO. 188, WEN HWA 2ND RD.
KUEI SHAN HSIANG
TAO YUAN SHIEN,
TAIWAN, ROC

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MAILED

MAY 10 2010

OFFICE OF PETITIONS

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

In re Application of	:
Errico et al.	:
Application No. 11/657,268	: DECISION GRANTING PETITION
Filed: January 24, 2007	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. SPINE 3.0-437 CIIPCIPCOPCI	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed August 11, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

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

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

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

A reference to add the 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 the chain between 10/175,417 and 10/151,280, is incorrectly listed as "continuing application of". Therefore, the Office will accept the priority claims as shown in the application data sheet filed August 11, 2009.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the above-noted, prior-filed nonprovisional applications has been included in the Application Data Sheet (ADS); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted;

and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

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

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

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

This matter is being referred to Technology Center Art Unit 3738 for appropriate action on the Application Data Sheet filed August 11, 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 applications.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
11/657,268	01/24/2007	3738	1000	SPINE 3.0-437 CIPCIPCIPCI	20	3

CONFIRMATION NO. 4129

CORRECTED FILING RECEIPT

530
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

OC000000041546302

Date Mailed: 05/12/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Joseph P. Errico, Green Brook, NJ;
Michael W. Dudasik, Nutley, NJ;
Rafail Zubok, Midland Park, NJ;

Assignment For Published Patent Application

SpineCore, Inc., Summit, NJ

Power of Attorney: The patent practitioners associated with Customer Number 000530

Domestic Priority data as claimed by applicant

This application is a CON of 10/425,267 04/29/2003 PAT 7,235,081
which is a CIP of 10/282,356 10/29/2002 PAT 7,169,182
which is a CIP of 10/256,160 09/26/2002 PAT 6,989,032
which is a CIP of 10/175,417 06/19/2002 PAT 7,563,285
which is a CIP of 10/151,280 05/20/2002 PAT 7,604,664
which is a CIP of 09/970,479 10/04/2001 PAT 6,669,730
and is a CIP of 10/140,153 05/07/2002 ABN
which is a CIP of 10/128,619 04/23/2002 PAT 6,863,689
and is a CIP of 09/970,479 10/04/2001 PAT 6,669,730
which is a CIP of 09/789,936 02/15/2001 ABN
and said 10/128,619 04/23/2002
is a CIP of 09/906,119 07/16/2001 PAT 6,607,559
and is a CIP of 09/982,148 10/18/2001 PAT 6,673,113
and said 09/970,479 10/04/2001
is a CIP of 09/968,046 10/01/2001 ABN

Foreign Applications

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 11/657,268**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

Inserter/impactor for implanting an artificial intervertebral disc

Preliminary Class

623

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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JORDAN AND HAMBURG, LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK, NY 10168

COPY MAILED
JAN 27 2010

In re Application of Yuki Takahashi, et. al. Application No. 11/657,316 Filed: January 24, 2007 Attorney Docket No. F-9347	: : : : :	ON PETITION

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

The application became abandoned for failure to file a response to the Restriction/Election Requirement mailed on January 21, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

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

This application file is being referred to Technology Center Art Unit 3761 for review of the response filed with the present petition.

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

Andrea Smith
Petitions Examiner
Office of Petitions

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DAY PITNEY LLP
ACCOUNT: ILLINOIS TOOL WORKS INC.
7 TIMES SQUARE
NEW YORK, NY 10036-7311

Mail Date: 04/27/2010

Applicant	: Glyn Russell	: DECISION ON REQUEST FOR
Patent Number	: 7600300	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/657,320	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **438** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

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FEB 01 2010

In re Application of

GREENBERG, Bernard
Application No. 11/657,321
Filed: January 24, 2007
Attorney Docket No. **GRBE-0002**

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 December 08, 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 Lance Reich on behalf of all attorneys of record who are associated with customer No. 23377. All attorneys/agents associated with the Customer Number 23377 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Bernard Greenberg at the address indicated below. The application became abandoned for failure to timely file a proper reply to the Office letter mailed June 01, 2009.

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **DR. BERNARD GREENBERG**
350 LAKE MANOR TRACE
ALPHARETTA CA 30022

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/657,384	01/24/2007	Frank S. Maggio	066-0010	2921

67413 7590 03/11/2010
PRASS LLP
2661 Riva Road
Bldg. 1000, Suite 1044
ANNAPOLIS, MD 21401

EXAMINER
NGUYEN, NGA B

ART UNIT	PAPER NUMBER
3684	

MAIL DATE	DELIVERY MODE
03/11/2010	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
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P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 11 2010

Prass LLP
2661 Riva Road
Bldg. 1000, Suite 1044
Annapolis, MD 21401

In re Application of
Frank Maggio
Application No. 11/657,384
Filed: January 24, 2007
For: METHOD AND SYSTEM FOR CHARACTERIZING AUDIENCES, INCLUDING AS VENUE AND SYSTEM TARGETED (VAST) RATINGS

: DECISION ON THE PETITION
: REGARDING REQUEST TO
: RECLASSIFY AND TRANSFER
: APPLICATION

Applicant's petition filed under 37 CFR 1.182, filed November 4, 2009, requests the Director to reclassify and transfer this application to the Art Unit that the applicant believes the application properly belongs. This petition, dealing with the classification of an application, is asking for review of the classification holding of the Supervisory Patent Examiner (SPE) and is properly subject matter treated as a petition for Supervisory Review under 37 CFR 1.181.

The petition is **DENIED**.

Applicant's petition recites, in the Background section, his experience with an earlier filed application that had ultimately matured into a patent. Despite the issuance of his application into a patent, applicant felt that there was a philosophy held by the examiner handling the case to avoid issuing patents. Applicant goes on to say that during the subsequent examination of several of his other applications he has come to the conclusion that many Art Units in the Business Methods area actively try to avoid issuing patents based upon his belief of their low allowance rate. The assignee also goes on to say that device oriented applications have been improperly classified in Business Methods Art Units.

Applicant asks that the above-noted application be transferred from Art Unit 3692 (it currently resides in Art Unit 3688) and sent to Art Unit 2612. Applicant believes that the subject-matter of this application, being device oriented media ratings technology, is more properly examinable in TC 2600.

Initially, it is unclear what "device oriented" is actually defined as, but it is noted that all 44 claims of applicant's application are method claims. Additionally, it has long been held that the classification and assignment of applications are solely the prerogative of the USPTO. The initial location deemed to be proper for an application to be classified has been the exclusive decision of the classifiers of the USPTO. Misclassified applications do occasionally occur and transfers between SPEs to the correct Art Unit take place prior to any examination on the merits taking place. The initial assignment of an application to a particular examiner has likewise always been the exclusive responsibility of the SPE of the Art Unit to which the

application's classification would dictate. Furthermore, because the classification is not an issue that falls under the *ex parte* prosecution of an application, it is not an issue that is proper for an applicant to contest on petition. Certainly an applicant cannot be allowed to "cherry-pick" which area of the Office an application should be classified or assigned in order to maximize the odds for allowance based upon a perceived bias for or against allowance in any particular areas.

The petition dated November 4, 2009 for reclassifying and transferring the above application is **DENIED**.

It is noted that applicant has filed this petition even though there is currently an Attorney of record in this case. The Office will not engage in Dual Correspondence with an applicant and a patent practitioner. Accordingly, applicant is required to conduct all future correspondence with this Office through the attorney of record.

Any questions or comments with respect to this decision should be forwarded to Quality Assurance Specialist Steven N. Meyers at (571) 272-6611.

Wynn Coggins, Director
Patent Technology Center 3600
(571) 272-5350

snm/snm: 3/9/10
SM

cc: Frank Maggio
724 2nd Ave. S.
St.Petersburg, FL 33701

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WOLF GREENFIELD & SACHS, PC
600 ATLANTIC AVE
BOSTON, MA 02210-2206

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SEP 26 2008

Applicant: Glover III
Appl. No.: 11/657,399
Filing Date: January 24, 3007
Title: SYSTEM AND METHOD OF ANALYZING NUCLEIC ACID POLYMERS AND RELATED COMPONENTS
Attorney Docket No.: Z0108.70002US01
Pub. No.: US 2007/0190557 A1
Pub. Date: August 16, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 19, 2007, for the above-identified application. Applicant requests that the application be republished because the patent application publication contains material errors in several paragraphs in the specification including claims.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material error in several paragraphs of the specification. Most of the errors are punctuation and the others are minor spelling errors.

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 specification and the claims may be Office errors, but they are not material Office errors under 37 CFR 1.221. The occurrence of using the wrong punctuation or rendering a word plural does not affect the understanding of the application, as they are minor typographical error. 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

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

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on October 18, 2007, 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.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

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

By facsimile: 571-273-8300

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

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

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COMMISSIONER FOR PATENTS
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WOLF GREENFIELD & SACHS, PC
600 ATLANTIC AVE
BOSTON, MA 02210-2206

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SEP 26 2008

Applicant: Glover III
Appl. No.: 11/657,399
Filing Date: January 24, 3007
Title: SYSTEM AND METHOD OF ANALYZING NUCLEIC ACID POLYMERS AND RELATED COMPONENTS
Attorney Docket No.: Z0108.70002US01
Pub. No.: US 2007/0190557 A1
Pub. Date: August 16, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 19, 2007, for the above-identified application. Applicant requests that the application be republished because the patent application publication contains material errors in several paragraphs in the specification including claims.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material error in several paragraphs of the specification. Most of the errors are punctuation and the others are minor spelling errors.

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 specification and the claims may be Office errors, but they are not material Office errors under 37 CFR 1.221. The occurrence of using the wrong punctuation or rendering a word plural does not affect the understanding of the application, as they are minor typographical error. 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

[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).

upon issuance of a patent, as the public may easily deduce from the surrounding sentences and words what was intended.

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

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

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

MAILED

JAN 23 2009

OFFICE OF PETITIONS

In re Application of :
Yu Lu et al :
Application No. 11/657,402 : ON PETITION
Filed: January 24, 2007 :
Attorney Docket No. 2316.2460US01

This is a decision on the petition, filed January 22, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 12, 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 2874 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

MORGAN, LEWIS & BOCKIUS LLP (SF)
One Market, Spear Street Tower, Suite 2800
San Francisco CA 94105

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NOV 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Defrees	:	
Application No. 11/657,441	:	
Filed: January 24, 2007	:	DECISION ON PETITION
Attorney Docket No.: 101961-5051-US02	:	PURSUANT TO 37 C.F.R. § 1.28(c)
Title: GLYCOPEGYLATION METHODS AND PROTEINS/PEPTIDES PRODUCED BY THE METHODS	:	

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on September 10, 2009. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 C.F.R. § 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.

Petitioner has identified the particular type of fee that was erroneously paid as a small entity, when the small entity fee was actually paid, the small entity fee that was actually paid, the deficiency owed amount, and the total deficiency payment owed.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

The deficiency payment will be deducted from Petitioner's Deposit Account in due course, as authorized on the first page of this petition.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The 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.[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

---

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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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TAIYO CORPORATION
401 HOLLAND LANE
#407
ALEXANDRIA, VA 22314

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JUL 09 2007
OFFICE OF PETITIONS

In re Application of :
Yamada and Nakajima :
Application No.:11/657,464 : DECISION ACCORDING
Filed: January 25, 2007 : RULE 47(a) STATUS
Attorney Docket No:FS-F-4100-01 :
For: AUXILLARY LIGHT IRRADIATING DEVICE FOR :
PHOTOGRAPHING DEVICE, METHOD THEREOF, AND STORAGE
STORING DEVICE

This is in response to the petition under 37 CFR 1.47(a), filed June 18, 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 25, 2007, without a properly executed declaration. On February 21, 2007, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application requiring a declaration signed by all named inventors and a surcharge of $65.00 for the late filing of the declaration. On June 18, 2007, the instant petition was filed along with a request for an extension of time within the second month.

Petitioner has shown that inventor Nakajima is either unavailable to join the instant application or is constructively refusing to do so. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

This application will be forwarded to the Office of Initial Patent Examination for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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PCE INDUSTRY, INC.
ATT. CHENG-JU CHIANG JEFFREY T. KNAPP
458 E. LAMBERT ROAD
FULLERTON CA 92835

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MAY 24 2007

OFFICE OF PETITIONS

In re Application of	:	
Chuan-Hsing Chen	:	ON PETITION
Application No.: 11/657,514	:	
Filed: January 23, 2007	:	
Attorney Docket No.: US8640	:	

This decision is in response to the petition under 37 CFR 1.47(b), filed April 26, 2007 (certificate of mailing date April 23, 2007).

The petition is dismissed.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on January 23, 2007. On February 21, 2007, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, requiring applicant to submit an executed declaration and a surcharge for its late filing. On April 26, 2007 (certificate of mailing date April 23, 2007), petitioner filed the surcharge and a petition under 37 CFR 1.47(b).

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

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration;
(2) an acceptable oath or declaration;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor;
(5) proof of proprietary interest; and
(6) proof of irreparable damage.

This petition lacks items (1) and (2).

As to item (1), petitioner has failed to establish that Chuan-Hsing Chen has refused to sign the declaration or cannot be reached. A statement of facts of Lawrence Wang alleges the application, a declaration, and an assignment were mailed to Mr. Chen's last known address. Mr. Wang states, "The evidence of such a mailing will be supplementally submitted." The Office has not received a supplement to the petition.

A successful Rule 47 petition requires either (1) a clear refusal to join, whether expressly or by conduct, or (2) a showing of diligence in trying to find an unavailable inventor. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events.

The Office requires that petitioner establish the non-signing inventor received a complete copy of the application as an initial step to proving refusal to sign the declaration. It is unclear that Mr. Chen received the application papers.

If it is concluded by the 37 CFR 1.47 petitioner that a non-signing inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted.

If petitioner is alleging inability to locate the inventor, other attempts to reach Mr. Chen should be attempted. If other attempts to locate the inventor, e.g. through mailings, computer searches (such as LEXIS), or the telephone fail, then petitioner will establish that the inventor cannot be reached.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented.

It is noted that the inventor's mailing address is that of PCE Industry Inc..

MPEP 605.03 states that, "Applicant's mailing address means that address at which he or she customarily receives his or her mail. Either an applicant's home or business address is acceptable as the mailing address.... In situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given...."

An oath or declaration in compliance with 37 CFR 1.63 and 1.64, listing each inventor's home address and other required information, signed by an authorized representative of the Rule 1.47 applicant must be submitted.

The declaration should be signed by an officer of the corporation (President, Vice-President, Secretary, Treasurer of Chief Executive Officer). A corporation may authorize any person to sign the application on its behalf. However, if the declaration is not signed by an attorney or officer of the corporation, then proof of authority of the person signing on behalf of the corporation must be submitted. MPEP 409.03(b)

A courtesy copy of this decision will be mailed to the address listed on the petition. The power of attorney filed with the present petition is not acceptable because the 3.73(b) statement accompanying the power of attorney was not completed properly.

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

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

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: WEI TE CHUNG
FOXCONN INTERNATIONAL, INC.
1650 MEMOREX DRIVE
SANTA CLARA, CA 95050

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OFFICE OF PETITIONS

PCE INDUSTRY, INC.
ATT. CHENG-JU CHIANG JEFFREY T. KNAPP
458 E. LAMBERT ROAD
FULLERTON CA 92835

In re Application of	:	
Chuan-Hsing Chen	:	ON PETITION
Application No.: 11/657,514	:	
Filed: January 23, 2007	:	
Attorney Docket No.: US8640	:	

This decision is in response to the reconsideration petition under 37 CFR 1.47(b), filed July 25, 2007.

The petition is dismissed.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

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

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration;
(2) an acceptable oath or declaration;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor;
(5) proof of proprietary interest; and
(6) proof of irreparable damage.

This petition lacks item (2).

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented.

It is noted that a blank declaration that lists the inventor's home address instead of his former business address has been provided. In addition, it is noted that Piao Yu executed an "ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR SIGNATURE BY PERSON WITH SUFFICIENT PROPIRETARY INTEREST WHERE NO INVENTRO IS AVAILABLE TO SIGN AND ON BEHALF OF ALL THE INVENTOR(S) WHO REFUSE TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(b))" on April 23, 2007.

The declaration executed by Piao Yu was the declaration that was deemed unacceptable. Mr. Yu should execute an added page to the new blank declaration. He has not executed the declaration filed on July 25, 2007, only the declaration filed on April 26, 2007.

An oath or declaration in compliance with 37 CFR 1.63 and 1.64, listing the inventor's home address and other required information, signed by an authorized representative of the Rule 1.47 applicant must be submitted.

A courtesy copy of this decision will be mailed to the address listed on the petition. As stated in the prior decision: **The power of attorney filed on April 26, 2007 is not acceptable because the 3.73(b) statement accompanying the power of attorney was not completed properly.** However, once Rule 47(b) status is obtained, the power of attorney will be acceptable on the strength of Rule 47 status and a 373(b) statement would be unnecessary to make the requested power of attorney/correspondence address changes.

A review of Office financial records indicates that petitioner was charged two petition fees. Only one is required. Petitioner's credit card will be refunded $200.00 shortly.

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

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

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: WEI TE CHUNG
FOXCONN INTERNATIONAL, INC.
1650 MEMOREX DRIVE
SANTA CLARA, CA 95050

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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JUN 03 2008

OFFICE OF PETITIONS

WEI TE CHUNG
FOXCONN INTERNATIONAL, INC.
1650 MEMOREX DRIVE
SANTA CLARA CA 95050

In re Application of	:	DECISION GRANTING STATUS
Chuan-Hsing Chen	:	UNDER 37 CFR 1.47(b)
Application No.: 11/657,514	:	
Filed: January 23, 2007	:	
Attorney Docket No.: US8640	:	

This decision is in response to the reconsideration petition under 37 CFR 1.47(b), filed December 12, 2007.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor, Chuan-Hsing Chen, 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.

A review of Office financial records indicates that petitioner has submitted another petition fee. Only one is required. Petitioner's credit card will be refunded $200.00 shortly.

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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JUN 03 2008

OFFICE OF PETITIONS

CHUAN-HSING CHEN
NO. 35-4, LANE 229,
SECTION 3, JHONGSHAN ROAD
JHONGHE CITY, TAIPEI COUNTY 235
TAIWAN R.O.C.

In re Application of	:	LETTER
Chuan-Hsing Chen	:	
Application No.: 11/657,514	:	
Filed: January 23, 2007	:	
Attorney Docket No.: US8640	:	

Dear Mr. Chen:

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Attny of record: WEI TE CHUNG
FOXCONN INTERNATIONAL, INC.
1650 MEMOREX DRIVE
SANTA CLARA CA 95050

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.
11/657,538	01/25/2007	Yukio Sudo	Q99652	3907

7590 03/05/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
YANG, NELSON C

ART UNIT	PAPER NUMBER
1641	

MAIL DATE	DELIVERY MODE
03/05/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 03/05/2009 BPOWELL
01726/2007 HDEMESS1 00000060 11657538
02 FC:1111 -500.00 OP

Repln. Ref: 03/05/2009 BPOWELL 0015370600
DAH:194880 Name/Number:11508275
FC: 9204 $500.00 CR

FORM PET651G (Rev. 08/07)

Repln. Ref: 03/05/2009 BPOWELL 0015385300
DA#:194880 Name/Number:11657538
FC: 9204 $500.00 CR

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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Jefferson IP Law, LLP
1130 Connecticut Ave., NW
Suite 420
Washington, DC 20036

Mail Date: 05/21/2010

Applicant	: Jeong-gyu Park	: DECISION ON REQUEST FOR
Patent Number	: 7652458	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/657,552	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/25/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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

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	: Kousuke Komikado	: DECISION ON REQUEST FOR
Patent Number	: 7603485	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/657,555	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/25/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **30** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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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: 05/18/2010

Applicant : Kousuke Komikado
Patent Number : 7603485
Issue Date : 10/13/2009
Application No : 11/657,555
Filed : 01/25/2007

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **69** 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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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/657,560	01/25/2007	Takayuki Yamamoto	062807-0395	4012

20277 7590 07/09/2008
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER
BRAGDON, REGINALD GLENWOOD

ART UNIT	PAPER NUMBER
2189	

MAIL DATE	DELIVERY MODE
07/09/2008	PAPER

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

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

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JUL 09 2008

TECHNOLOGY CENTER 2100

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of: Takayuki YAMAMOTO
Application No. 11/657,560
Attorney Docket No.: 062807-0395
Filed: January 25, 2007
For: RECORDING DEVICE AND RECORDING AND REPRODUCING DEVICE

DECISION ON PETITION TO WITHDRAW THE FINALITY OF AN OFFICE ACTION

This paper provides the decision on the petition filed May 19, 2008 under 37 C.F.R. § 1.181 and M.P.E.P. § 706.07 to withdraw the finality of the Office action, mailed April 30, 2008.

The Petition is **DISMISSED.**

RECENT PROSECUTION HISTORY

In the Non-Final Office Action, mailed March 29, 2007, the examiner's statement of rejection of claim23-26 is as follows:

> "Claims 23 - 26 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being unpatentable over **Naito et al. (US Patent App. Pub. No. 2003/0196036,** hereinafter "Naito") in view of Gibble et al. (US Patent App. Pub. 2003/0196036, hereinafter "Gibble").

There was one thing wrong with this statement of rejection: the reference number for the Naito reference was typed as "2003/0196036" instead of "2003/0145182". However, the Naito reference was cited by applicant in the IDS filed January 25, 2007. Further, there is only one reference attributed to "Naito" in the list of references cited in the application by examiner and applicants. There were not a plurality of references attributed to the same entity "Naito". Hence, even though the examiner did make a typographical error, by typing the wrong reference number for the Naito reference, applicant could definitely ascertain which reference the examiner was referring to by a look at the IDS filed by applicants, and the Form-892 containing references cited by examiner. This fact is also borne by the proper response filed on July 30, 2007, by applicant to the non-final office action mailed March 29, 2007.

Applicants responded on July 30, 2007, noting the above typographical errors on the part of the examiner, and responding fully to the rejection, clearly addressing the rejection based on Natio et al (US PUB 2003/0145182), as can be seen by applicants' arguments reproduced below:

> Claims 23-26 also stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Publication No. 2003/0145182 (incorrect number listed in rejection) to Naito et al. (hereinafter Naito). Alternatively, claims 23-26 also stand rejected under 35 U.S.C. §103 as unpatentable

On October 26, 2007, the Examiner issued a final action. Examiner unfortunately failed to correct the typographical error pointed out by applicant in the statement of rejection.

Applicants requested a withdrawal of the October 26, 2007 office action on 11/13 2007. Examiner granted the request by correcting the typographical error, and remailing the office action on April 30, 2008.

Applicant filed instant petition on May 19, 2008 stating that applicant

> timely filed (November 13, 2007) a request for mailing of a new non-final Office Action with respect to the later October 26, 2007 Office Action. Applicant's position was that the October 26, 200"7 Office Action should have been re-mailed in non-final form. The errors for which Applicant requests a new non-final Action are those found in the October 26, 2007 Action. Although the timely-filed Request is in the electronic file for this application, the Examiner has never addressed the clear oversight in not timely providing Applicant with a new non-final version of the October 26, 2007 Office Action. The April 30, 2008 Action asserts that Applicant understood the first Action despite its errors, in view of their July 30, 2007 response. However, the October 26, 2007 rejection indicates that the Examiner, at least to that point, did not understand the problems, since the October 26, 2007 Action contained several errors/omissions. Applicant submits that, since the October 26, 2007 Office Action should have been re-mailed promptly in a non-final form, as requested in Applicant's November 13, 2007 filing, it is inappropriate to now make the new April 30, 2008 Office Action final.

REQUIREMENTS

A petition under 3 7 CFR § 1.181 must include: (1) a statement of facts involved and (2) the point or points to be reviewed and the action requested. Note, 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. In addition § 1.181 (f) sets forth: 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. Further, when a petition is taken from an action or requirement of an examiner in the ex parte prosecution of an application, ... it may be required that there have been a proper request for reconsideration (37 CFR § 1.111) and a repeated action by the Examiner.

The petition filed on May 19, 2008 includes elements (1) and (2) above. The request filed on November 13, 2007 is considered a request for reconsideration, and the final rejection mailed on April 30, 2008, constitutes a repeated action by the Examiner.

RELIEF REQUESTED

The instant petition filed under 37 CFR 1.181 requests the withdrawal of the finality of the April 30, 2008 office action.

RULES AND REGULATIONS

MPEP (states in part):

> 37 CFR 1.113 Final rejection or action
> (b) In making such final rejection, the examiner shall repeat or state all grounds of rejection then considered applicable to the claims in the application, clearly stating the reasons in support thereof.
>
> 706.07 Final Rejection
> Before final rejection is in order a clear issue should be developed between the examiner and applicant. To bring the prosecution to as speedy conclusion as possible and at the same time to deal justly by both the applicant and the public, the invention as disclosed and claimed should be thoroughly searched in the first action and the references fully applied;
>
> 706.07(a) Final Rejection, When Proper on Second Action
> Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97{c) with the fee set forth in 37 CFR 1.17{p).
>
> 706.07(d) [R-6] Final Rejection, Withdrawal of, Premature
> If, on request by applicant for reconsideration, the primary examiner finds the final rejection to have been premature, he or she should withdraw the finality of the rejection. The finality of the Office action must be withdrawn while the application is still pending. The examiner cannot withdraw the final rejection once the application is abandoned.
> > Once the finality of the Office action has been withdrawn, **the next Office action may be made final if the conditions set forth in MPEP § 706.07(a) are met.**<

OPINION

Petitioner presents the following arguments in support of the position that the Final rejection was premature:

> the October 26, 2007 rejection indicates that the Examiner, at least to that point, did not understand the problems, since the October 26, 2007 Action contained several errors/omissions. Applicant submits that, since the October 26, 2007 Office Action should have been re-mailed promptly in a non-final form, as requested in Applicant's November 13, 2007 filing, it is inappropriate to now make the new April 30, 2008 Office Action final...

In the instant application, while the examiner's typographical errors may have caused some confusion, it was not detrimental to the advancing of prosecution of the instant application, as can be evidenced by applicants' response to the non-final office action, reproduced above. Examiner repeated the same grounds of rejection in the final office action mailed on October 26, 2007. In

response to applicants' request for a new action, examiner withdrew the finality of the office action mailed on October 26, 2007, and mailed a new (final) office action on April 30, 2008, correcting the typographical error, thus providing the relief requested by applicant in the November 13, 2007 request. Per MPEP 706.07(d), once the finality of the Office action has been withdrawn, the next Office action may be made final if the conditions set forth in MPEP § 706.07(a) are met. In the instant application, Naito was not a new reference introduced in the final rejection mailed April 30, 2008. Naito was used in the same capacity in all the actions mailed in this application. Hence, there were no new grounds of rejection introduced in the final office action. As can be seen by the prosecution history, applicant argued the merits of the rejection based on the Natio reference. The record as a whole makes it very clear that the claims were rejected over Natio (US Pub 2003/0145182), in spite of the typographical error in the statement of rejection in the Non-final action mailed on March 29, 2007, and final action mailed October 26, 2007.

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

The application remains under final rejection with the time period for response continuing to run from the mailing of the Final Office action, April 30, 2008.

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

Jack Harvey, Director
Technology Center 2100
Computer Architecture, Software, and Information Security

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OFFICE OF PETITIONS

In re Application of	:	
Liao, Shu-Ju	:	
Application No. 11/657,574	:	DECISION ON PETITION
Filed: January 25, 2007	:	
Attorney Docket No. 4443-0351PUS1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 26, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before April 2, 2008, as required by the Notice of Allowance and Fee(s) Due mailed January 2, 2008. Accordingly, the application became abandoned on April 3, 2008. A Notice of Abandonment was mailed April 30, 2008.

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

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,440 and the publication fee of $300, (2) the petition fee of $1,540, and (3) an adequate statement of unintentional delay.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Gary M. Nath
The Nath Law Group
112 South West Street
Alexandria, VA 22314

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JAN 13 2010

In re Application of	:	
Michael Lucas	:	
Application No. 11/657,584	:	DECISION ON PETITION
Filed: January 25, 2007	:	TO WITHDRAW
Attorney Docket No. 27210X	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 13, 2009.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to The Nath Law Group has been revoked by the assignee of the patent application on October 1, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Unisone Corporation
510 S. Congress Avenue, Suite 204
Austin, TX 78704

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Ajay Pathak
P.O. Box 6101
Springfield, VA 22150

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OFFICE OF PETITIONS

In re Application of :
Shitij Kapur et al. :
Application No. 11/657,621 : DECISION ON PETITION
Filed: January 25, 2007 :
Attorney Docket No. 4291-101 DIV CON 2 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 29, 2008, 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 Notice of File Missing Parts of Nonprovisional Application mailed March 13, 2007, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed on November 19, 2007.

The Notice stated that the applicant owed $125 for a page count in excess of 100 pages. Petitioner asserts that a reply was not necessary due to the fact that the page count of the new application papers filed on January 25, 2007, was less than 100 pages. A review of the record acknowledges that the page count was less than 100 pages and that the Notice to File Missing Parts of Nonprovisional Application was sent in error. The petition fee of $770 will be credited to petitioner's credit card.

In view of the above, the Notice to File Missing Parts of Nonprovisional Application, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The above-identified application will be restored to pending status.

Accordingly, this application is being referred to Technology Center 3742 for processing.

Carl Friedman
Petitions Examiner
Office of Petitions

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MANELLI DENISON & SELTER
2000 M STREET NW SUITE 700
WASHINGTON DC 20036-3307

NOV 21 2007

In re Application of: NAKHAMKIN
Serial No.: 11/657661
Filed: January 25, 2007
Title: POWER AUGMENTATION OF COMBUSTION TURBINES WITH COMPRESSED AIR ENERGY STORAGE AND ADDITIONAL EXPANDER WITH AIRFLOW EXTRACTION AND INJECTION THEREOF UPSTREAM OF COMBUSTORS

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 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.

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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MANELLI DENISON & SELTER
2000 M STREET NW SUITE 700
WASHINGTON, DC 20036-3307

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NOV 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Michael Nakhamkin	:	
Application No. 11/657,661	:	DECISION ON PETITION
Filed: January 25, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 62-305-AIEE-2	:	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 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 referred to the Office of Patent Application Processing to await a reply to the Notice that was mailed on February 28, 2007. This application will be accorded "special" when pre-examination processing is done.

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

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OFFICE OF PETITIONS

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA VA 22320

In re Application of	:	
Masao Watanabe et al.	:	
Application No. 11/657,674	:	DECISION ON PETITION
Filed: January 25, 2007	:	PURSUANT TO 37 C.F.R.
Attorney Docket No.: 131068	:	§1.182
Title: AUTHENTICITY	:	
DETERMINATION SYSTEM OF	:	
RESPONDER, IDENTIFICATION	:	
SYSTEM, AND INTERROGATION UNIT	:	

This is a decision on the petition filed April 16, 2007, requesting that the above-identified application, including page 13 of the specification, be accorded a filing date of January 25, 2007 as part of the original disclosure.

The application was deposited on January 25, 2007. However, on February 16, 2007, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (notice), stating that the application had been accorded a filing date, and advising applicants that page 13 of the specification appeared to have been omitted. The notice set a two-month period for reply.

In response, on April 16, 2007, applicants filed the present petition. The petition is further accompanied by a copy of page 13 of the specification, along with a copy of applicants' postcard receipt acknowledging receipt of "25 pp. Spec/13 clm/abs" in the United States Patent and Trademark Office (Office) on January 25, 2007. Petitioner requests that page 13 of the specification be accorded a filing date of January 25, 2007.

It is noted that 19 pages of specification, including pages 1-12 and 14-20, have been located in the electronic file, along with 4 pages of claims and a 1 page abstract.

Upon review of the record, the above-mentioned page has not been located among the application papers. However, the evidence is convincing that the application papers deposited on January 25, 2007 included page 13 of the specification, and this sheet was subsequently misplaced in the Office.

Therefore, the application, including page 13 of the specification, was complete on filing and entitled to a filing date of January 25, 2007 as part of the original disclosure.

Accordingly, the petition is **GRANTED.**

The notice mailed February 16, 2007 was sent in error, and is hereby **VACATED.** Therefore, no petition fee is necessary, and the $400.00 petition fee will be refunded to Petitioner's Deposit Account in Due Course.

The application file is being returned to OIPE for further processing with a filing date of January 25, 2007, using the original application papers filed on that date, as well as page 13 of the specification submitted on April 16, 2007, and for noting in Office records that this sheet was present on filing.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

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

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JAMES J. STERLING
1510 STILLWATER DRIVE
MIAMI BEACH FL 33141

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Stephan Schmidle	:	
Application No. 11/657685	:	DECISION
Filing or 371(c) Date: 03/12/2007	:	ON PETITION
Attorney Docket Number: 200701	:	

This is a decision on the "Petition to Include Missing Specification Page and Receive New Filing Date", filed March 12, 2007, requesting the application be accorded as the filing date, the date that page 34 of the specification, filed with the petition, is filed. The petition is properly treated under 37 CFR 1.182.

The petition is **granted**.

Background

Application papers in the above-identified application were filed on January 25, 2007. The Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Item(s) in a Nonprovisional Application (hereinafter "Notice") on February 15, 2007, informing Applicant that the application had been accorded a filing; however, page 34 of the specification appeared to have been omitted from the application.

The Notice of Omitted Items

The mailing of a "Notice of Omitted Item(s)" will permit the applicant to:

(A) promptly establish prior receipt in the USPTO of the page(s) at issue. An applicant asserting that the page(s) was in fact received by the USPTO with the application papers must, within 2 months from the date of the "Notice of Omitted Item(s)," file a petition under 37 CFR 1.53(e) with the petition fee set forth in 37 CFR 1.17(f), along with evidence of such deposit (37 CFR 1.181(f)). The petition fee will be refunded if it is determined that the page(s) was in fact received by the USPTO with the application papers deposited on filing. The 2-month period is not extendable under 37 CFR 1.136;

(B) promptly submit the omitted page(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant desiring to submit the omitted page(s) in a nonprovisional application and accept the date of such submission as the application filing date must, within 2 months from the date of the "Notice of Omitted Item(s)," file any omitted page(s) with an oath or declaration in compliance with 37 CFR 1.63 and 37 CFR 1.64 referring to such page(s) and a petition under 37 CFR 1.182 with the petition fee set forth in 37 CFR 1.17(f), requesting the later filing date (37 CFR 1.181(f)). The 2-month period is not extendable under 37 CFR 1.136; or
(C) accept the application as deposited in the USPTO.

The present petition

Applicant files the present petition and page 34 of the specification, and includes an oath or declaration in compliance with 37 CFR 1.63 and 37 CFR 1.64. Accordingly, the petition is granted.

A review of Office records reveals that an Updated Filing Receipt indicating the filing date of the application as March 12, 2007, was mailed on May 22, 2007. The application will be referred to Technology Center Art Unit 3692 for docketing and examination in the normal course of business, including page 34 of the specification filed with the petition.

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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LOS ALTOS, CA 94023-1639

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AUG 27 2007

OFFICE OF PETITIONS

In re Application of Routhenstein	:	
Application No. 11/657,712	:	Decision on Petition
Filing Date: January 23, 2007	:	
Attorney Docket No. PRIVP002.US02	:	

This is a decision in response to the petition filed March 23, 2007, requesting the application be accorded a filing date of January 23, 2007.

The petition is **granted**.

The application was filed January 23, 2007.

The Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" on February 15, 2007. The Notice indicated the application had not been accorded a filing date and stated, "The specification does not include a written description of the invention."

A review of the application papers filed January 23, 2007, indicates the presence of 30 pages of specification including 5 pages of claims and 1 page of abstract. The application papers included one drawing sheet. Although a drawing was filed, the Office notes a review of the claims indicates a drawing was not necessary for a filing date.

Upon review of all the papers filed January 23, 2007, the Office has determined a filing date should have been assigned to the application papers. A refund of the $400 petition fee has been scheduled.

The Office of Initial Patent Examination will be informed of the instant decision will process the application with a filing date of January 23, 2007, using the papers filed on January 23, 2007.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
www.uspto.gov

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of
Coukos, et al.
Application No.: 11/657,719
Filed: January 25, 2007
Attorney Docket No: P-8557-US

ON PETITION

This is in response to the petition under 37 CFR 1.137(b) filed June 12, 2008.

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

On February 15, 2007, a "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office allowing a two-month period for reply. Extension of time were available pursuant to 37 CFR 1.136(a). A proper response was not received within the allowable period, and the application became abandoned on August 16, 2007. A Notice of Abandonment was mailed on June 3, 2008.

The declaration filed June 12, 2008, is noted and made of record. The replacement drawings filed June 12, 2008, are also noted.

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

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

K. A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES CA 90045

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NOV 29 2007

OFFICE OF PETITIONS

In re Application of	:	
HERNANDEZ et al.	:	DECISION ON PETITION
Application No. 11/657,737	:	
Filed: November 17, 2006	:	
Attorney Docket No. ALLTT-75745	:	

This is a decision on the "PETITION UNDER 37 CFR 1.182," filed May 23, 2007, requesting that the above-referenced application be accorded a filing date of November 17, 2006.

On November 17, 2006, applicants deposited the application papers for the above-identified application via EFS Web. To correct any deficiencies in filing, on May 23, 2007, applicants submitted the following: the present petition, a $400.00 petition fee, a specification (pages 1-16), claims (pages 17-27), an abstract (page 28), drawings (pages 29-35), a declaration, an Application Data Sheet, a Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address, a Statement Under 37 CFR 3.73(b), and a copy of Acknowledgement Receipt (EFS ID 1322431) dated November 17, 2006.

On September 14, 2007, the Office of Initial Patent Examination mailed applicants a Notice of Incomplete Nonprovisional Application, notifying applicants that the application papers had not been accorded a filing date because the application was deposited without a specification. The Notice of Incomplete also stated that an oath or declaration was missing. Additionally, on September 14, 2007, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, indicating that the application had been accorded a filing date of May 23, 2007, the date applicants filed the specification. The Notice to File Missing Parts set an extendable period of two months to submit $725.00 for additional claim fees.

Applicants acknowledged that the complete specification and the ADS were inadvertently omitted from the application as filed. Applicants stated that this application expressly claimed the benefit of and incorporated by reference prior nonprovisional application, No. 10/814,415, filed March 31, 2004.

In an application containing an explicit incorporation by reference statement in the specification (or in a transmittal letter if the transmittal letter was filed prior to September 21, 2004), a petition for the granting of a filing date may be made under 37 CFR 1.182. A petition under 37 CFR 1.182 and the required petition fee, including an amendment submitting the necessary omitted material, requesting that the necessary omitted material contained in the prior application and submitted in the amendment, be included in the continuation or divisional application based upon the incorporation by reference statement, is required to accord the application a filing date as of the date of deposit of the continuation or divisional application. An amendment submitting the omitted material and relying upon the incorporation by reference will not be entered in the continuation or divisional application unless a decision granting the petition states that the application is accorded a filing date and that the amendment will be entered. See MPEP 201.06(c).

A review of the application as filed reveals that the preliminary amendment contained an explicit incorporation by reference of prior-filed Application No. 10/814,415. As applicants have filed a petition under 37 CFR 1.182, a $400.00 petition fee, an amendment, and the omitted specification, the application will be accorded the filing date of November 17, 2006, as requested. Thus, the petition under 37 CFR 1.182 is **GRANTED**.

In light of the granting of the present petition under 37 CFR 1.182, the subsequent petition under 37 CFR 1.57, filed November 14, 2007, is unnecessary and is dismissed as moot. The $400.00 petition fee submitted on November 14, 2007, will be refunded to the credit card.

This matter is being referred to the Office of Patent Application Processing to accord the application a filing date of November 17, 2006, using the application papers received in the Office on that date, and the specification submitted on May 23, 2007.

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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LOS ANGELES CA 90045

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FEB 1 5 2008

OFFICE OF PETITIONS

In re Application of	:	
Hernandez and Potts	:	DECISION ON PETITION
Application No. 11/657,737	:	
Filed: 11/17/2006	:	
Attorney Docket No. ALLTT-75745	:	

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

The petition is **dismissed as moot**.

The Office notes that 37 CFR 1.63(d) provides that a newly executed declaration is not required in a continuation application filed by all or by fewer than all of the inventors named in a prior nonprovisional application containing a signed declaration, provided that a copy of the signed declaration filed in the prior application is submitted for the continuation application and the specification and drawings filed in the continuation application does not contain any subject matter that would have been new matter in the prior application.

The present application is a continuation of Application No. 10/814,415 filed by all of the inventors, named in the prior application. Applicants submitted a copy of the declaration from prior-filed Application No. 10/814,415, signed by both joint inventors, Hector Ray Hernandez, Jr. and David Potts. However, the declaration contained an alteration to the name of inventor Hernandez, which was not initialed.[1] With the present petition, applicants provided a supplemental declaration correcting inventor Heranandez's name.[2]

---

[1] "Any interlineation, erasure, cancellation or other alteration of the application papers...should be dated and initialed or signed by the applicant on the same sheet of paper." 37 CFR 1.52(c)(1). Section 605.04(a) of the Manual of Patent Examining Procedure states that it is "improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution of the oath or declaration by the applicant." Furthermore, the Office "will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration." *Id.* Deficiencies or inaccuracies in an oath or declaration may be corrected by a supplemental oath or declaration.[2]

In view of thereof, it does not appear that a petition under 37 CFR 1.47(a) is necessary. Accordingly, the petition is dismissed as moot.

As no petition fee is required, the $130.00 fee will be refunded to applicants' credit card. The Office will charge applicants' Deposit Account a $65.00 surcharge for the late filing of the declaration.

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

[2] "The supplemental oath or declaration must (1) identify the entire inventive entity, and (2) be signed . . . by only those inventor(s) or applicants (37 CFR 1.42, 1.43, or 1.47) to whom the corrections relates. See 37 CFR 1.67(a)." MPEP 603 (emphasis added).

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CST

4-19-07

In re application of
Rabindra K. Sinha
Serial No. 11/657,741
Filed: January 25, 2007
For: SPECIAL FORMULATIONS FOR THE REMOVAL OF MERCURY AND OTHER POLLUTANTS PRESENT IN COMBUSTION GASES

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on January 25, 2007 to make the above-identified application special because of environmental quality.

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

REGULATION AND PRACTICE

Pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program. Note that any petition to make special under MPEP § 708.02, based solely on subsection V (Environmental Quality) was required to be filed prior to August 25, 2006.

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a) on or after August 25, 2006;
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;

3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because it was not filed electronically using the USPTO's electronic filing system (EFS), or EFS-web.

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

Christine Tierney

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

DATE MAY 1 1 2007

APPLICATION NUMBER 11657744

DOC CODE PETDEC

DOC DATE 05/14/07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

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

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

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DR. KURT LEHOVEC
200 S. WESTMORELAND AVENUE
LOS ANGELES, CA 90004

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MAY 14 2007

OFFICE OF PETITIONS

In re Application of	:	
LEHOVEC, Kurt	:	
Application No. 11/657,744	:	DECISION ON PETITION
Filed: January 25, 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 25, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the driver's license of inventor Kurt Lehovec, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3673 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

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NOV 1 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Katsuhiko Morosawa	:	
Application No. 11/657,758	:	DECISION GRANTING PETITION
Filed: January 25, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 07056/LH	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, November 10, 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 13, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2816 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson

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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OFFICE OF PETITIONS

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

In re Application of	:	
Reinhold Ohrlein, et al.	:	
Application No.: 11/657,808	:	ON PETITION
Filed: January 24, 2007	:	
Attorney Docket No.: 01662/78002	:	

This is a decision on the petition, filed August 4, 2009, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1621 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/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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KENYON & KENYON LLP
1500 K STREET, NW
WASHINGTON, DC 20005-1257

Mail Date: 04/21/2010

Applicant	: John Wynne	: DECISION ON REQUEST FOR
Patent Number	: 7612537	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/657,824	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/25/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **458** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03-12-09

TO SPE OF : ART UNIT 1793

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/657850 Patent No.: 7491377

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Certificates of Correction Branch
703-308-9390 ext. 123

Thank You For Your Assistance

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

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

Comments: Error was made in Examiner's amendment.

SPE **Art Unit** 1793

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WARD & OLIVO
SUITE 300
382 SPRINGFIELD AVENUE
SUMMIT NJ 07901

5/29/09

In re Application of:	
REPETTI, DANIEL J. III	
Serial No.: 11/657,865	DECISION TO ACCEPT
Filed: Jan. 25, 2007	DUPLICATE PAPER UNDER
Docket No. 683-001	37 C.F.R. 1.181
Title: SKIRT	

This is a decision on the communication filed on April 28, 2009. The petitioner requests withdrawal of the holding of abandonment and accept a duplicate response pursuant to 37 CFR 1.181(a).

The request is GRANTED.

The present application was held abandoned for failure to timely respond to the non-final Office action mailed on October 1, 2008 which set a three-month shortened period for reply. Notice of abandonment was not yet mailed.

Applicant asserts that a timely response to the non-final office action was mailed to the Office on December 30, 2008. The applicant has supplied a copy of a Response to Official Action indicating a mailing date of December 30, 2008. The petitioner has also provided a Certificate of Transmission/Mailing pursuant to 37 CFR 1.8, dated December 30, 2008. Finally, the petitioner has provided a copy of USPTO acknowledgement post card receipt with a dated stamp of January 5, 2009.

As applicant has provided convincing evidence that a timely reply to the non-final Office action of October 1, 2008 was mailed to the Office on December 30, 2008, there is no abandonment in fact. Any inconvenience or delay caused to applicant is regretted.

In view of the above, the abandonment of the application is in error and is hereby rescinded. This application is being forwarded to the examiner in Art Unit 3743 for appropriate action.

PETITION GRANTED

Robert Olszewski, Director
Technology Center 3700

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YOUNG & BASILE, P.C.
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY MI 48084

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AUG 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Ronald Todd	:	
Application No. 11/657,871	:	DECISION ON PETITION
Filed: January 25, 2007	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. ELU-101-B	:	

This is a decision on the PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 119(e), for the benefit of priority to prior-filed provisional application No. 60/762,679 filed August 10, 2007.

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.

This pending nonprovisional application was filed on January 25, 2007, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/762,679, which was filed on January 27, 2006, and for which priority is claimed.

On petition, a reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

All 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 application, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3219. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3751 for appropriate action on the amendment submitted August 10, 2007, including consideration by the examiner of the claim under 35 U.S.C. §119(e) of the prior-filed provisional application.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/657,871	01/25/2007	3751	600	ELU-101-B	16	3

CONFIRMATION NO. 5592

CORRECTED FILING RECEIPT

OC000000025563817

48980
YOUNG & BASILE, P.C.
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY, MI 48084

Date Mailed: 08/27/2007

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)

Ronald Todd, Flushing, MI;

Assignment For Published Patent Application

ELITE PRODUCTS

Power of Attorney: The patent practitioners associated with Customer Number **48980**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/762,679 01/27/2006

Foreign Applications

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 US11/657,871

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

** SMALL ENTITY **

Title

CAULK APPLICATOR

Preliminary Class

401

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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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

MAILED

AUG 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Gong et al.	:	
Application No. 11/657,882	:	LETTER REGARDING
Filed: January 24, 2007	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 20363-004CON2	:	

This letter is in response to the "Communication Regarding Patent Term Adjustment" filed May 26, 2009. The instant letter is being treated as a request for a review of the patent term adjustment set forth on Determination of Patent Term Adjustment under 35 U.S.C. 154(b) for accuracy because the proper amount of adjustment may be lower than the amount set forth on the Determination.

The request for review of the patent term adjustment is **GRANTED.**

The Office has updated the PALM screen to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is 40 days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On February 26, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated the patent term adjustment to date is 61 days.

On May 26, 2009, applicants filed the instant letter and the issue fee. The letter states applicants agree with the patent term adjustment determination of 61 days.

A review of the file record indicates the Office erroneously failed to reduce the patent term adjustment for the Information Disclosure Statement ("IDS") filed February 11, 2009. Per 37 CFR 1.704(c)(8), circumstances that will result in a reduction in the period of adjustment include:

> 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 that the supplemental reply or other such paper was filed.

In this case, a final Office action was mailed January 9, 2009, a reply was filed January 21, 2009, and an IDS was filed February 11, 2009. The record fails to indicate the examiner requested the IDS and the IDS was not accompanied by a statement under 37 CFR 1.704(d). Therefore, a reduction of patent term adjustment for the IDS is appropriate pursuant to 37 CFR 1.704(c)(8).

The Office has entered a 21-day reduction to the patent term adjustment for the IDS filed February 11, 2009.

37 CFR 1.704(c)(10) states,

> [Upon] [s]ubmission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed ... the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:
> (i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or
> (ii) Four months.

MPEP 2732 states,

> [Papers, other than applications for patent term adjustment under 37 CFR 1.705(b),] concerning patent term adjustment (e.g. status letters, untimely applications for patent term adjustment, requests for reconsideration of the Office's decisions on applications for patent term adjustment, or miscellaneous letters concerning patent term adjustment), however will be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under 37 CFR 1.704(c)(10).

Since the Office has chosen to interpret the instant letter as a letter bringing an error in applicants' favor to the attention of the Office, the Office has not entered a reduction of patent term adjustment under 37 CFR 1.704(c)(10) for the letter. <u>However</u>, the fact the Office chose to treat the instant letter as a letter advising the Office of an error in applicants' favor is <u>not</u> an indication future similar letters will receive the same treatment. In other words, future similar letters may result in reductions in patent term adjustment pursuant to 37 CFR 1.704(c)(10).

The Office strongly advises applicants not to file letters regarding patent term adjustment after allowance in the future if applicants agree with the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the application.

In view of the previous discussion, the patent term adjustment at the time of mailing of the notice of allowance is 40 days which is 93 days of Office delay minus 53 days of applicant delay.

Since the letter has been treated as a letter advising the Office of an error in applicants' favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e).

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of

the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

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

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen

Day : Friday
Date: 8/28/2009

PALM INTRANET

Time: 11:32:31

PTA Calculations for Application: 11/657882			
Application Filing Date:	01/24/2007	PTO Delay (PTO):	93
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	32
Post-Issue Petitions:	0	Total PTA (days):	40
PTO Delay Adjustment:	-21		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
71	08/28/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		21	
44	02/26/2009	MAIL NOTICE OF ALLOWANCE			
43	02/25/2009	DOCUMENT VERIFICATION			
42	02/25/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
41	02/17/2009	NOTICE OF ALLOWABILITY			
40	02/11/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
39	02/11/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
38	02/11/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
37	02/11/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
36	01/30/2009	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
35	01/26/2009	PARALEGAL TD ACCEPTED			
34	01/24/2009	CORRESPONDENCE ADDRESS CHANGE			
33	01/24/2009	DATE FORWARDED TO EXAMINER			
32	01/21/2009	AMENDMENT AFTER FINAL REJECTION			
31	01/09/2009	MAIL FINAL REJECTION (PTOL - 326)			
30	01/07/2009	FINAL REJECTION			
29	11/08/2008	PARALEGAL TD NOT ACCEPTED			
28	11/06/2008	DATE FORWARDED TO EXAMINER			
27	10/27/2008	RESPONSE AFTER NON-FINAL ACTION		32	25
26	10/27/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
25	06/25/2008	MAIL NON-FINAL REJECTION	93		-1

24	06/23/2008	NON-FINAL REJECTION			
23	04/17/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
17	11/05/2007	PRELIMINARY AMENDMENT			
16	06/21/2007	PG-PUB ISSUE NOTIFICATION			
15	05/22/2007	CASE DOCKETED TO EXAMINER IN GAU			
14	05/10/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	04/17/2007	REFERENCE CAPTURE ON IDS			
12.7	04/17/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	04/17/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	04/05/2007	APPLICATION DISPATCHED FROM OIPE			
10	03/13/2007	SENT TO CLASSIFICATION CONTRACTOR			
9	03/14/2007	APPLICATION IS NOW COMPLETE			
4	03/03/2007	CLEARED BY L&R (LARS)			
3	02/08/2007	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
2	02/01/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	01/24/2007	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

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Jones Day
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New York, NY 10017

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MAR 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Peter Lupoli	:	
Application No. 11/657,895	:	DECISION ON PETITION
Filed: January 24, 2007	:	TO WITHDRAW
Attorney Docket No. 11486-004-999 (854236-999	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 26, 2008.

The request is **APPROVED**.

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

The request was signed by Garry J. Tuma 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: **Peter Lupoli**
2439 Whitney Avenue
Summerland, CA 93067

cc: **Dr. Jay Kesan**
2709 Windward Boulevard
Champaign, IL 61821

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/657,895	01/24/2007	Peter Lupoli	11486-004-999 (854236-999

CONFIRMATION NO. 5572

POWER OF ATTORNEY NOTICE

20583
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

OC000000035025633

Date Mailed: 03/16/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

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

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

/tswilliams/

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

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LEO J. AUBEL
111 RIVERSHIRE LANE
LINCOLNSHIRE IL 60069

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MAY 03 2007

OFFICE OF PETITIONS

In re Application of	:	
LASZLO FRECSKA et al.	:	
Application No. 11/657,896	:	DECISION ON PETITION
Filed: January 25, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **FH-spline**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 25, 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 Laszlo Frecska's passport, 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 3722 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:
Laszlo Frecska et al
Attorney Docket No. FH-Splines
For: Method For Milling Splines

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1405

PETITION TO MAKE APPLICATION SPECIAL
BASED ON APPLICANT'S AGE

Dear Sir:

The Applicant herein respectfully requests that the subject application be made special under the provisions of 37 CFR 1.102 (c) and MPEP 708.02 Petition To Make Special.

Applicant is 69 years of age as evidenced by the enclosed copy of his passport.

Respectfully submitted,

Leo J. Aubel
Reg. No. 18382

Leo J. Aubel
111 Rivershire Lane
Lincolnshire, IL 60069
Phone (847) 634-8923
Fax (847) 634-8985

The Secretary of State of the United States of America hereby requests all whom it may concern to permit the citizen/national of the United States named herein to pass without delay or hindrance and in case of need to give all lawful aid and protection.

Le Secrétaire d'Etat des Etats-Unis d'Amérique prie par les présentes toutes autorités compétentes de laisser passer le citoyen ou ressortissant des Etats-Unis titulaire du présent passeport, sans délai ni difficulté et, en cas de besoin, de lui accorder toute aide et protection légitimes.

El Secretario de Estado de los Estados Unidos de América por el presente solicita a las autoridades competentes permitir el paso del ciudadano o nacional de los Estados Unidos aquí nombrado, sin demora ni dificultades, y en caso de necesidad, prestarle toda la ayuda y protección lícitas.

Laszlo Frecska

SIGNATURE OF BEARER/SIGNATURE DU TITULAIRE/FIRMA DEL TITULAR

NOT VALID UNTIL SIGNED

Surname / Nom / Apellidos
FRECSKA
Given names / Prénoms / Nombres
LASZLO
Nationality / Nationalité / Nacionalidad
UNITED STATES OF AMERICA
Date of birth / Date de naissance / Fecha de nacimiento
14 Jul 1937
Sex / Sexe / Sexo — Place of birth / Lieu de naissance / Lugar de nacimiento
M — HUNGARY
Date of issue / Date de délivrance / Fecha de expedición — Authority / Autorité / Autoridad
16 Jan 2002 — National Passport Center
Date of expiration / Date d'expiration / Fecha de caducidad
15 Jan 2012
Amendments / Modifications / Enmiendas
See Page 24

P<USAFRECSKA<<LASZLO<<<<<<<<<<<<<<<<<<<<<<<<<
2057439149USA3707148M1201158<<<<<<<<<<<<<<08

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 1/21/09

TO SPE OF : ART UNIT 3724

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/657896 Patent No.: 7425108 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

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

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

Comments: _____

BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER
SPE

3724
Art Unit

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BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON, TX 77208-1389

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In re Application of	:	
KOPELMAN, Roni et al.	:	
Application No. 11/657,900	:	DECISION ON PETITION
Filed: January 25, 2007	:	TO WITHDRAW
Attorney Docket No. **027146-125697**	:	FROM RECORD
	:	

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 **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Bracewell & Giuliani LLP has been revoked by the assignee of the patent application on November 05, 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: **POLSINELLI SHALTON FLANIGAN SUELTHAUS PC**
700 W. 47TH STREET
SUITE 1000
KANSAS CITY MO 64112-1802

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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

MAILED

JUL 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Ho et al.	:	
Application No. 11/657,912	:	ON APPLICATION FOR
Filed: 01/25/2007	:	PATENT TERM ADJUSTMENT
Attorney Docket No. ORT1631USDIV1	:	

This is in response to the "APPLICATIONS FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(b) WITHIN THREE MONTHS OF RECEIPT OF THE NOTICE OF ALLOWANCE" filed May 21, 2010, which is being treated as a petition under 37 CFR 1.705(b). Applicants submit that the correct patent term adjustment to be indicated on the patent is 209 days, not 196 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants seek this correction solely on the basis that the Office will take in excess of three years to issue this patent.

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

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined.

Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the 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 such a request as premature.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

---

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

The Office acknowledges the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

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

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

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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DICKINSON WRIGHT, PLLC
1875 EYE STREET, NW
SUITE 1200
WASHINGTON DC 20006

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JUN 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Alletto et al.	:	DECISION ON PETITION
Application No. 11/657,915	:	TO WITHDRAW
Filed: January 25, 2007	:	FROM RECORD
Attorney Docket No. 2006P01258US	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed May 31, 2010.

The request is **NOT APPROVED**.

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

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

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

According to a review of current USPTO records petitioner has not requested the address be changed to a properly recorded assignee or the first listed inventor. Nokia Siemens Networks GmbH & Co. KG, is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed April 7, 2010 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1-26-09

TO SPE OF : ART UNIT 2873

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/657925 Patent No.: 7462422

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Certificates of Correction Branch
703-308-9390 ext. 123

Thank You For Your Assistance

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

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

Comments: _____

/Ricky Mack/ 1/30/09
SPE

2873
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

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

MAILED

JUL 07 2010

OFFICE OF PETITIONS

In re Application of :
Yu, et al. :
Application No. 11/657,949 :
Filed: 25 January, 2007 :
Attorney Docket No: 303.994US1 :

DECISION

This is a decision on the petition filed on 9 February, 2010, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

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

As to the Allegations
of Unintentional Delay

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

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

BACKGROUND

The record reflects as follows:

The Applicant failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 27 August, 2009, with reply under a non-extendable deadline on or before 27 November, 2009.

The application went abandoned by operation of law after midnight 27 November, 2009

Petitioner submitted the fees due on 30 November, 2009.

The Office mailed the Notice of Abandonment on 15 December, 2009.

On 2 February, 2010, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, a reply in the form of fees due, and made a statement of unintentional delay.

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

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

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

As to Allegations of Unintentional Delay

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

It appears that the requirements under the rule have been satisfied.

---

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

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Publications Branch to be processed into a patent in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Publications Branch in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MacMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

COPY MAILED

JUN 01 2007

OFFICE OF PETITIONS

In re Application of	:	
Steve G. Thomas et al	:	
Application No. 11/657,958	:	DECISION DISMISSING
Filed: January 25, 2007	:	PETITION
Attorney Docket No. 81149871	:	

This is a decision on the petition under 37 CFR 1.10(d), filed February 15, 2007, requesting that the above-identified application be accorded a filing date of January 25, 2007, rather than the presently accorded date of January 26, 2007.

The petition is **GRANTED**.

The rule at 37 CFR 1.10(d) provides that any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS.

The showing under 37 CFR 1.10(d) must be corroborated by (1) evidence from the USPS, or (2) evidence that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail." Evidence from the USPS may be the "Express Mail" Corporate Account Mailing Statement. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail." Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. Conversely, evidence created prior to the deposit of the correspondence as "Express Mail" with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the

correspondence was deposited with the USPS as "Express Mail") cannot be accepted under the terms of the rule.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on January 25, 2007, pursuant to the requirements of 37 CFR 1.10. The evidence submitted with the petition is a copy of a USPS Track and Confirm record.

A grantable petition under 37 CFR 1.10(d) must include:

> (1) The filing of a petition promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The placement of the "Express Mail" number on the mailing label of the paper(s) or fee(s) that constitutes the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) A showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The copy of the USPS Track & Confirm record shows that this application was entrusted to the USPS as of January 25, 2007. Further, the Express Mail number appearing on the USPS Track & Confirm record is the same Express Mail label number appearing on the original transmittal letter submitted with the application. Accordingly, the petition satisfies the requirements of 37 CFR 1.10(d). In view thereof, this application is entitled to the requested January 25, 2007 filing date and has been so accorded.

A Corrected Filing Receipt accompanies this decision on petition.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3218. All inquiries concerning either the examination or status of this application should be directed to the assigned Technology Center.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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
11/657,958	01/25/2007	3681	1000	81149871	20	3

CONFIRMATION NO. 5394

CORRECTED FILING RECEIPT

OC000000024164265

28866
MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

Date Mailed: 05/31/2007

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)

Steve G. Thomas, Bloomfield Hills, MI;
Donald E. Hoffman, Canton, MI;
Gregory D. Goleski, Clarkston, MI;

Power of Attorney: The patent practitioners associated with Customer Number **28866**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 02/20/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/657,958

Projected Publication Date: 07/31/2008

Non-Publication Request: No

Early Publication Request: No

Title

Multiple speed automatic transmission

Preliminary Class

475

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/657,964	01/25/2007	Nadine Carozzi	045600/322848	5642

826 7590 03/20/2009
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER
KUBELIK, ANNE R

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
03/20/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAR 2 0 2009

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

In re Application of:	:
Carozzi et al.	:
Serial No.: 11/657,964	: PETITION DECISION
Filed: January 25, 2007	:
Attorney Docket No.: **045600/322848**	

This is in response to the petition under 37 CFR § 1.59(b), filed March 17, 2009, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on November 20, 2008, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

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

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

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date : August 7, 2009

Patent No. :7520241
Inventor(s) :Silviu Pala et al.
Issued :April 21, 2009
Title :LCD DISPLAY AND GAUGE WITH BELT OR CABLE DRIVEN POINTER

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 37 CFR 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 Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

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

B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and

C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.

See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.

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 Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	571-273-8300 ATTN: Office of Petitions
EFS web	uspto.gov/ebc/index.html (must be registered as an e-filer to submit responses) Technical Support 1-866-217-9197

Any inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756- 1541

Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

/arg

UNITED STATES PATENT AND TRADEMARK OFFICE

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DIW Jun-07

HOVEY WILLIAMS LLP
2405 GRAND BLVD., SUITE 400
KANSAS CITY MO 64108

COPY MAILED

JUN 26 2007

OFFICE OF PETITIONS

In re Application of	:	
Shreeram V. Deshpande	:	DECISION ACCORDING STATUS
Application No. 11/657,983	:	UNDER 37 CFR 1.47(b)
Filed: 01/25/2007	:	
Atty Docket No. 31937-RE	:	

This is a decision in response to the petition under 37 CFR 1.47(b), filed on 20 April, 2007.

The petition is **GRANTED**.

The above-identified reissue application was filed on 25 January, 2007, without an executed oath or declaration. Accordingly, on 20 February, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice to File Missing Parts of Reissue Application requiring an executed oath or declaration and a surcharge for its late filing. A two (2) month period for reply was set.

Petitioner has shown that the sole inventor has refused to join in the filing of the above-identified reissue application after having been sent a copy of the application papers. Specifically, petitioners have stated, via the statement of facts of John Woodson, that the non-signing inventor orally confirmed receipt of the application, but refused to sign the declaration. Additionally, petitioners have shown proprietary interest via the assignment to Brewer Science, Inc. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.175, signed by Dr. Terry Brewer, President of Brewer Sciences, Inc., and has demonstrated that such action is necessary to preserve the rights of the parties.

This 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 Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the residence address listed on the declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The petition fee will be charged to counsel's deposit account as authorized in the present petition.

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Jun-07

Shreeram Deshpande
636 McBride Pointe Dr.
Ballwin MO 63011-1754

COPY MAILED

JUN 26 2007

OFFICE OF PETITIONS

In re Application of
Shreeram Deshpande
Application No. 11/657,983
Filed: 25 January, 2007
For: ORGANIC ANTI-REFLECTIVE COATING COMPOSITIONS FOR ADVANCED MICROLITHOGRAPHY

Dear Mr. Deshpande:

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

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

DIWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

HOVEY WILLIAMS LLP
2405 GRAND BLVD, SUITE 400
KANSAS CITY MO 64108

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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HOVEY WILLIAMS LLP
10801 MASTIN BLVD SUITE 1000
OVERLAND PARK KS 66210

MAILED

JUL 13 2009

OFFICE OF PETITIONS

In re reissue Application of	:	
Shreeram V. Deshpande	:	
Application No. 11/657,983	:	DECISION ON PETITION
Filed: January 25, 2007	:	
Attorney Docket No. 31937-RE	:	

This is in response to the petition under 37 CFR 1.183, filed June 12, 2009, to suspend the requirement under 37 CFR 1.175 that all of the inventors sign the supplemental reissue declaration.[1]

The petition under 37 CFR 1.183 is **GRANTED**.

Petitioner has established that sole inventor Deshpande has previously refused to sign the application papers, in a decision on petition under Rule 47 mailed on June 26, 2007. Accordingly, it is concluded that this is an extraordinary situation where justice requires waiver of the rules.

The Supplemental Reissue Declaration will be entered, despite the fact that the sole inventor have not signed.

The application is being forwarded to Group Art Unit 1795 for examination.

---

[1] "If a joint inventor refuses or cannot be found or reached to sign a supplemental oath/declaration, a supplemental oath/declaration listing all the inventors, and signed by all the available inventors may be filed provided it is accompanied by a petition under 37 CFR 1.183 along with the petition fee, requesting waiver of the signature requirement of the nonsigning inventor." MPEP 1414.01(III).

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LEVISOHN, BERGER , LLP
61 BROADWAY , 32ND FLOOR
NEW YORK NY 10022

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JAN 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Jonathan Gustave et al.	:	
Application No. 11/657,991	:	ON PETITION
Filed: June 1, 2007	:	
Attorney Docket No. 1849.02	:	

This is a decision on the petition, filed October 7, 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 applications filed in an eighteen-month publication country on January 25, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application(s) 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 April 23, 2009 accompanies this decision on petition.

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

This application is being forwarded to Technology Center Art Unit 3694 for examination in due course.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
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
11/657,991	01/25/2007	Jonathan Gustave	1666.019

CONFIRMATION NO. 5677

4617
LEVISOHN, BERGER , LLP
61 BROADWAY , 32ND FLOOR
NEW YORK, NY 10022

NONPUBLICATION RESCISSION LETTER

OC000000034099255

Date Mailed: 01/16/2009

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 04/23/2009.

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".

/jlburke/

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

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Steve Rosenblatt
3600 Montrose Blvd.
No. 502
Houston TX 77006

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SEP 2 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Kevin C. Holmes	:	
Application No. 11/657,992	:	ON PETITION
Filed: January 25, 2007	:	
Attorney Docket No. 304-44572-US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 13, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed February 16, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 17, 2007. The Notice of Abandonment was mailed November 2, 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; (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay.

The petition fee of and the late filing of the oath surcharge will be charged to deposit account as authorized in the transmittal letter filed January 25, 2007.

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 Terri Williams at (571) 272-2991.

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

Chris Bottorff
Petitions Examiner
Office of Petitions

cc: **Darin H. Duphome**
9100 Emmott Road
Houston, TX 77040

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DEC 14 2007

PTO/SB/64 (11-07)
Approved for use through 11/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional) 304-44572-US

09/23/2004 CKHLUK 00000003 020429 11657992

First named inventor: Kevin C. Holmes

01 FC:1454 1540.00 DA
02 FC:1651 130.00 DA

Application No.: 11/657,992

Art Unit: unknown

Filed: 01/25/2007

Examiner: unknown

Title: Surface Improvement for Erosion Resistance

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

The PTO did not receive the following listed item(s) Fee enclosed

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 $ 1540.00 (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 Declaration in response to Notice to File Missing Parts (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.

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PTO/SB/64 (11-07)
Approved for use through 11/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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
.Darin H. Duphorne	39,506
Typed or printed name	Registration Number, if applicable
9100 Emmott Road	713.466.2979
Address	Telephone Number
Houston, Texas 77040	
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

PAGE 4/10 * RCVD AT 12/14/2007 10:12:26 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/8 * DNIS:2738300 * CSID:7134662328 * DURATION (mm-ss):03-04

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ATTN: JEFFREY A. PROEHL
P.O. BOX 5027
SIOUX FALLS SD 57117

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FEB 2 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Cossette et al.	:	
Application No. 11/657996	:	
Filing or 371(c) Date: 01/25/2007	:	
Attorney Docket Number:	:	DECISION
32470	:	ON PETITION

This is a decision on the Petition to Accord Filing Date to Patent Application, filed March 13, 2007, requesting the above-identified application be accorded a filing date of January 25, 2007. The delay in treating this petition is regretted.

The petition is granted.

The application was filed on January 25, 2007. On February 16, 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 the application contains method claims for which drawings are not required under 35 U.S.C. 113.

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

MPEP § 601.01(f) also states that:

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

This application contains method claims; therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

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

In view of the above, the Notice mailed February 16, 2007, was mailed in error and is hereby withdrawn.

This application is being referred to the Office of Patent Application Processing for further processing of the Response to the Notice of Incomplete Nonprovisional Application, with the filing date of January 25, 2007, and an indication that no drawings were present or required on filing. Receipt of the preliminary amendment is hereby acknowledged.

The petition fee has been refunded to Applicant's deposit account as authorized in the petition.

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

Mail Date: 04/21/2010

Applicant	: David Zummer	: DECISION ON REQUEST FOR
Patent Number	: 7614168	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/657,998	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/25/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **538** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

07 FEB 2007

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

In re Application of ILAN	:	
U.S. Application No.: 11/658,008	:	
PCT Application No.: PCT/IL2005/000746	:	
Int. Filing Date: 13 July 2005	:	DECISION
Priority Date Claimed: 19 July 2004	:	
Attorney Docket No.: ILAN6	:	
For: PROCESSING OF PACKETS FORWARDED	:	
IN COMMUNICATION NETWORKS	:	

This is in response to applicant's "Petition to Revive Under 37 CFR 1.137(b)" filed 22 January 2007.

BACKGROUND

On 13 July 2005, applicant filed international application PCT/IL2005/000746, which claimed priority of an earlier Israel application filed 19 July 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 26 January 2006. The thirty-month period for paying the basic national fee in the United States expired on 19 January 2007.

International application PCT/IL2005/000746 became abandoned as to the United States for failure to timely pay the basic national fee.

On 22 January 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states that "the entire delay in filing the papers necessary to perfect the completion of entry in the U.S. national phase on this case from the due date for entry into the U.S. national phase (January 19, 2007) until the filing of this grantable petition, was unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 13 July 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 22 January 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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

Mail Date: 04/21/2010

Applicant	: Roland Kirchberger	: DECISION ON REQUEST FOR
Patent Number	: 7574985	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/658,051	: OF WYETH
Filed	: 01/22/2007	:
		:

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.

0 6 NOV 2007

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Foley & Lardner
2029 Century Park East
Suite 3500
Los Angeles, CA 90067

In re Application of BURKE, Trevor John Application No.: 11/658,052 PCT No.: PCT/GB05/02856 Int. Filing Date: 20 July 2005 Priority Date: 22 July 2004 Attorney Docket No.: 078986-0226 For: METHOD AND APPARATUS FOR PROGRAMME GENERATION AND PRESENTATION	COMMUNICATION REGARDING SUBMISSION UNDER 37 CFR 1.42

This communication is issued in response to the declaration filed 08 August 2007 which is being treated as a Petition under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 20 July 2005, applicant filed international application PCT/GB05/02856 which claimed a priority date of 22 July 2004 and which designated the United States. On 26 January 2006, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for payment of the basic national fee was 22 January 2007 (thirty months from the priority date).

On 19 January 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 08 August 2007, applicant filed a declaration executed by: Heather Burke on behalf of deceased inventor, Trevor John Burke.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

37 CFR 1.497(b)(2) requires that citizenship, mailing address, and residence information be provided for **both** the deceased inventor and the legal representative. Here, the declaration filed 08 August 2007 does not comply with 37 CFR 1.497(b)(2), discussed above, in that it does not include the citizenship of the legal representative.

Because the declaration submitted does not include all the information required by 37 CFR 1.497(b)(2), the declaration cannot be accepted under 37 CFR 1.497 and 1.42.

CONCLUSION

For the reasons discussed above, the request for status under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants have **TWO (2) MONTHS** from the mailing date of this communication to submit a proper response under 37 CFR 1.42 and 37 CFR 1.497. Failure to provide a proper and timely response will result in abandonment. Extensions of time are available under 37 CFR 1.136(a).

A proper response must include a new declaration in compliance with 37 CFR 1.497 executed by the legal representative and including all the required information discussed above.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450,

with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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

2 5 JAN 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

Foley & Lardner
2029 Century Park East
Suite 3500
Los Angeles, CA 90067

In re Application of BURKE, Trevor John Application No.: 11/658,052 PCT No.: PCT/GB05/02856 Int. Filing Date: 20 July 2005 Priority Date: 22 July 2004 Attorney Docket No.: 078986-0226 For: METHOD AND APPARATUS FOR PROGRAMME GENERATION AND PRESENTATION	:	COMMUNICATION REGARDING SUBMISSION UNDER 37 CFR 1.42

This communication is issued in response to the declaration filed 28 December 2007 which is being treated as a Renewed Submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 20 July 2005, applicant filed international application PCT/GB05/02856 which claimed a priority date of 22 July 2004 and which designated the United States. On 26 January 2006, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for payment of the basic national fee was 22 January 2007 (thirty months from the priority date).

On 19 January 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 08 August 2007, applicant filed a declaration executed by Heather Burke on behalf of deceased inventor, Trevor John Burke. In a decision dated 06 November 2007, applicants request under 37 CFR 1.42 was refused.

On 28 December 2007, applicants filed "Renewed Submission under 37 CFR 1.42."

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

The declaration filed 28 December 2007 is executed by Heather Burke as the "legal representative" of the deceased inventor, Trevor John Burke. The declaration provides the residence, post office address, and country of citizenship for the deceased inventor and the legal representative. Therefore, the declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

The application has an international filing date of 20 July 2005, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **28 December 2007**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Anthony Smith
Attorney-Advisor
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Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

13 JUN 2008

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

ECKERT SEAMANS CHERIN & MELLOT, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219

In re Application of:
BELL, Stanley, C., et al.
U.S. Application No.: 11/658,054
PCT No.: PCT/US2005/025224
International Filing Date: 15 July 2005
Priority Date: 19 July 2004
Atty's Docket No.: 0056924-000006
For: FORMULATIONS FOR PARENTERAL ADMINISTRATION OF (E)-2,6-DIALKOXYSTYRYL 4-SUBSTITUTED BENZYLSULFONES

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a)" filed 11 April 2008. Applicants have paid the required petition fee.

BACKGROUND

On 15 July 2005, applicants filed international application PCT/US2005/025224. The international application claimed a priority date of 19 July 2004, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 19 January 2007.

On 19 January 2007, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 11 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an executed declaration in compliance with 37 CFR 1.497 and payment of the examination fee were required.

On 11 April 2008, applicants filed a response to the Notification Of Missing Requirements (with required one-month extension fee). The response included payment of the required examination fee, a partially executed declaration, and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of inventor Albert WONG, whom applicants assert cannot be located.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by two of the three the inventors of record that includes an unsigned signature block for the non-signing inventor, Albert WONG. This declaration can be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), the petition asserts that the non-signing inventor cannot be located. MPEP section 409.03(d) sets forth the requirements for showing that an inventor cannot be reached or located after diligent effort as follows:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. [...]
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

Applicants here have provided a statement from Suzanne Hutchison regarding the efforts made to contact the non-signing inventor. These efforts include attempts to contact the inventor though his last known contact information. However, applicants have not provided any documentary evidence regarding these efforts (i.e., a copy of the letter sent to the inventor, confirmation of delivery of the letter, etc.). Moreover, applicants have not provided firsthand and documentary evidence showing that a diligent search has been undertaken to locate a current address for the non-signing inventor. Absent such a showing, it cannot be concluded that the

inventor cannot be reached after diligent effort. Accordingly, item (4) of a grantable petition is not satisfied on the present record. Applicants should note that, any subsequent showing with respect to a diligent search should include, but not be limited to, an internet search for the inventor, with the results of such a search being made of record herein.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

1 1 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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ECKERT SEAMANS CHERIN & MELLOT, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219

In re Application of: BELL, Stanley, C., et al. U.S. Application No.: 11/658,054 PCT No.: PCT/US2005/025224 International Filing Date: 15 July 2005 Priority Date: 19 July 2004 Atty's Docket No.: 0056924-000006 For: FORMULATIONS FOR PARENTERAL ADMINISTRATION OF (E)-2,6-DIALKOXYSTYRYL 4-SUBSTITUTED BENZYLSULFONES	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

In a decision mailed by this Office on 13 June 2008, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-inventor Albert WONG was dismissed without prejudice for failure to satisfy the requirements of a grantable petition.

On 06 August 2008, applicants filed a response to the 13 June 2008 decision, treated herein as a renewed petition.

Applicants' 06 August 2008 submission includes an acceptable declaration executed by all the inventors herein, including the previously non-signing inventor Albert WONG. Applicants have therefore now submitted a fully executed declaration in compliance with 37 CFR 1.497. Accordingly, the petition under 37 CFR 1.47(a) is **MOOT**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 06 August 2008.

Richard M. Ross
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1 1 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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ECKERT SEAMANS CHERIN & MELLOT, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219

In re Application of: BELL, Stanley, C., et al. U.S. Application No.: 11/658,054 PCT No.: PCT/US2005/025224 International Filing Date: 15 July 2005 Priority Date: 19 July 2004 Atty's Docket No.: 0056924-000006 For: FORMULATIONS FOR PARENTERAL ADMINISTRATION OF (E)-2,6-DIALKOXYSTYRYL 4-SUBSTITUTED BENZYLSULFONES	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

In a decision mailed by this Office on 13 June 2008, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-inventor Albert WONG was dismissed without prejudice for failure to satisfy the requirements of a grantable petition.

On 06 August 2008, applicants filed a response to the 13 June 2008 decision, treated herein as a renewed petition.

Applicants' 06 August 2008 submission includes an acceptable declaration executed by all the inventors herein, including the previously non-signing inventor Albert WONG. Applicants have therefore now submitted a fully executed declaration in compliance with 37 CFR 1.497. Accordingly, the petition under 37 CFR 1.47(a) is **MOOT**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 06 August 2008.

Richard M. Ross
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UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of	:
MAK, JOHN	: DECISION ON
Application No.: 11/658,110	:
PCT No.: PCT/US05/22880	: PETITION
Int. Filing Date: 27 June 2005	:
Priority Date: 30 June 2004	: UNDER 37 CFR 1.137(b)
Attorney's Docket No.: 100325.0256US	:
For: LNG REGASIFICATION CONFIGURATION AND METHODS	:

The petition to revive under 37 CFR 1.137(b) filed 18 January 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant filed on 18 January 2007 the required petition fee, the basic national fee, the national stage search and examination fees and, the additional claims fee.

The request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

An oath or declaration of the inventors under 35 U.S.C. 371(c)(4) and 37 CFR 1.497 and, the surcharge for filing the oath or declaration later than 30 months from the priority date are required.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Leonard Smith
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PCT Legal Examiner
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20 FEB 2008

BENJAMIN S. WITHROW
WITHROW & TERRANOVA, PLLC
P.O. BOX 1287
CARY, NC 27512

In re Application of TONG et al. Application No.: 11/658,123 PCT No.: PCT/RU03/00564 Int. Filing: 17 December 2003 Priority Date: None Attorney Docket No.: 7000-299-1A For: IMPROVED RANDOM ACCESS CHANNEL PROTOCOL	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 22 January 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the"entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $300 has now been provided. The required petition fee of $1500 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. It was confirmed with the International Bureau that the declaration under PCT Rule 4.17, was filed with the Request, and thus, properly identifies the international application to which it was directed, fulfilling the requirements of 37 CFR 1.497(a) and (b). The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 22 January 2007.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
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UNITED STATES PATENT AND TRADEMARK OFFICE

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KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
(FORMERLY KIRKPATRICK & LOCKHART NICHOLSON GRAHAM)
STATE STREET FINANCIAL CENTER
ONE LINCOLN STREET
BOSTON, MA 02111-2950

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OFFICE OF PETITIONS

In re Application of	:	
AZNOIAN, et al.	:	
Application No. 11/658,135	:	DECISION ON PETITION
Filed: September 8, 2003	:	TO WITHDRAW
Attorney Docket No. **D0188.70209US01**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 11, 2007.

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

A review of the file record indicates that the power of attorney to **KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP (FORMERLY KIRKPATRICK & LOCKHART NICHOLSON GRAHAM)** has been revoked by the assignee of the patent application on November 13, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **WOLF GREENFIELD & SACKS, PC**
600 ATLANTIC ACENUE
BOSTON, MA 02210-2206

13 FEB 2007

United States Patent and Trademark Office

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GRAYBEAL, JACKSON, HALEY LLP
155 - 108TH AVENUE NE
SUITE 350
BELLEVUE, WA 98004-5901

In re Application of Jang Application No.: 11/658,136 PCT No.: PCT/KR04/01388 Int. Filing Date: 10 June 2004 Earlier Priority Date: none claimed Attorney Docket No.: 1768-071-03 For: A New Composition For Skin-Whitening And Wrinkle-Care	:	DECISION ON PETITION

The petition to revive under 37 CFR 1.137(b) filed 19 January 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant states that "the National Stage application was unintentionally abandoned, and the entire delay in filing this grantable petition under 37 CFR 1.137(b) was unintentional." This is being construed as a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement is not correct. Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The $65.00 surcharge under 37 CFR 1.492(h) is being charged to petitioner's Deposit Account No. 07-1897, per the Transmittal Letter filed on 19 January 2007.

This application is being forwarded to the United States Designated/Elected Office for further processing. The date of this application under 35 U.S.C. 371(c)(1), (2) and (4) is **19 January 2007**.

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

In re Application of	:	
ZENATI, Rachid et al.	:	
U.S. Application No.: 11/658,161	:	
PCT No.: PCT/FR2005/001921	:	
Int'l Filing Date: 25 July 2005	:	DECISION
Priority Date: 27 July 2004	:	
Attorney's Docket No.: 121890	:	
For: POROUS BIOACTIVE GLASS AND	:	
PREPARATION METHOD THEREOF	:	

This decision is in response to applicant's petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 19 November 2007.

BACKGROUND

On 23 January 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a declaration of the inventors.

On 01 February 2007, applicant filed a translation of the application into English.

On 07 November 2007, a Notification of Acceptance (Form PCT/DO/EO/903) was mailed giving the application a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of 23 January 2007 and a date for all 35 USC 371 requirements of 27 January 2007.

On 19 November 2007, applicant filed this petition to correct the Notice of Acceptance.

DISCUSSION

The Notification of Acceptance mailed 07 November 2007, indicated that 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) requirements were satisfied on 23 January 2007 and that all 35 USC 371 requirements were satisfied on 27 January 2007. However, a translation of the application into English was not furnished until 01 February 2007. As such, both the 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date and the date for all 35 USC 371 requirements should be 01 February 2007.

CONCLUSION

For the reasons discussed above, the Petition Under 37 CFR 1.181 for a corrected Notification of Acceptance and Filing Receipt is **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 07 November 2007 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action in accordance with this decision, including the mailing of a corrected Notification of Acceptance (Form PCT/DO/EO/903).

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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0 7 JUL 2008

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Thomas Langer
COHEN PONTANI LIEBERMAN & PAVANNE
Suite 1210
551 Fifth Avenue
New York, NY 10176

In re Application of TSUKADO, Akinori U.S. Application No.: 11/658,195 PCT No.: PCT/EP2005/006889 Int. Filing Date: 27 June 2005 Priority Date: 20 July 2004 Attorney's Docket No.: 5460-109PUS For: CONTROL OF THE POLYMER HUMIDIFYING MEMBRANE OF A FUEL	:	**DECISION**

This is a decision on the "Petition to Change Accorded Filing Date Under 37 CFR § 1.10(c)" mailed 09 May 2008. No petition fee is required.

BACKGROUND

Applicant filed papers to enter the national stage of international application PCT/EP2005/006889 using USPS Express Mail service. These papers were deemed as received on 23 January 2007 by the USPTO.

On 25 April 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath/declaration in compliance with 37 CFR 1.497(a) and (b) a surcharge for providing the oath or declaration later than thirty months from the priority date as required by 37 CFR 1.492(h) must be provided.

On 25 September 2007, applicant submitted an executed declaration and the surcharge fee using the USPTO EFS-Web system.

On 27 March 2008, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating a date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and all 35 U.S.C. 371 requirements of 25 September 2007. The Form PCT/DO/EO/903 also noted that certain items filed with the initial national stage submission were received on 23 January 2007.

On 09 May 2008, applicant filed the subject petition which was accompanied by, *inter alia*, a copy of the Customer Copy of Express Mail label No. EV967917332US with the USPS receipt, a declaration by Mr. Ernest Williams and a copy of the USPS sales

receipt for Express Mail No. EV967917332US.

DISCUSSION

A review of the subject application indicates that the original national stage entry documents are stamped as received by the Office on 23 January 2007. Applicant claims that the above-captioned application was originally submitted with the USPS using Express Mail on 22 January 2007, not 23 January 2007 and have requested that USPTO records reflect this.

Any correspondence received by the United States Patent and Trademark Office ("Office") delivered by Express Mail will be considered filed in the Office on the date of deposit with the USPS. 37 CFR § 1.10(a). Moreover, 37 CFR § 1.10(c) states:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date - in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date - in" on the "Express Mail" mailing label or other official USPS notation, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
>
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date - in," and of any other official notation by the USPS relied upon to show the date of deposit.

A review of the subject application reveals that all the requirements of 37 CFR 1.10(c) have been satisfied. The Express Mail label number is listed on the transmittal letter filed with the original papers. Applicant included a copy of the Customer Copy of Express Mail label No. EV967917332US which appears to have been modified by the USPS. However, a USPS stamp clearly indicates a receipt date of 22 January 2007. A declaration by Mr. Williams accompanies this petition which explains that the USPS employee originally wrote 23 January 2007 and then changed it to 22 January 2007. In addition, applicant submitted a receipt from the USPS showing that Express Mail No. EV967917332US was purchased on 22 January 2007 at 06:27:13. Moreover, the

11/658,195

USPS Track/Confirm records for Express Mail label No. EV967917332US verifies that the documents were accepted by the USPS in New York, NY on 18 May 2005 at 6:23 pm.

This evidence is acceptable for a grantable petition under 37 CFR 1.10(c).

CONCLUSION

Applicant's petition pursuant to 37 CFR 1.10(c) is **GRANTED**.

The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and all 35 U.S.C. 371 requirements date on the Form PCT/DO/EO/903 mailed 27 March 2008 will remain as 25 September 2007. As such, a new Form PCT/DO/EO/903 will not be issued despite the wrong date (23 January 2007) appearing on certain items as been received by the Office. The Office is aware of this error. The date of receipt of these items will be modified in USPTO records.

This application is being forwarded to Art Unit 1745 for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Thomas Langer
Cohen Pontani Lieberman & Pavane
Suite 1210
551 Fifth Avenue
New York NY 10176

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In re Application of	:	
Buchi, et al.	:	
Application No. 11/658,199	:	DECISION DISMISSING PETITION
Filed: January 23, 2007	:	
Attorney Docket No. **5460-110PUS**	:	

This is a decision on the petition filed March 20, 2008, under 37 CFR 1.10(c) requesting that the above-cited application be accorded a filing date of January 22, 2007.

The petition is **dismissed.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.10."

Petitioner alleges that the application was deposited with the United States Postal Service, Express Mail Service on January 22, 2007. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number EV967917329US showing a "date-in" of January 22, 2007.

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.

The instant petition does not satisfy the requirements of item (1) above.

As to item (1), petitioner has not established that the petition was filed promptly after petitioner discovered that the filing date might be incorrect. Petitioner states that the petition was filed promptly after petitioner discovered the filing date accorded was incorrect. Petitioner must explain when petitioner discovered that the application had been accorded an incorrect filing date and what steps were taken to ensure the petition was promptly filed.

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

By mail: Mail Stop Petitions
Commissioner for Patents
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 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

Thomas Langer
Cohen Pontani Lieberman & Pavane
Suite 1210
551 Fifth Avenue
New York NY 10176

MAILED

FEB 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Buchi, et al.	:	
Application No. 11/658,199	:	DECISION ON PETITION
Filed: January 22, 2007	:	
Attorney Docket No. **5460-110PUS**	:	

This is a decision on the renewed petition filed January 2, 2009, under 37 CFR 1.10(c) requesting that the above-cited application be accorded a filing date of January 22, 2007, rather than the presently accorded filing date of January 23, 2007.

A petition under 37 CFR 1.10(c) was first filed on March 20, 2008. Petitioner stated that the application was deposited with the United States Postal Service, Express Mail Service on January 22, 2007. In support of the allegation, the petition was accompanied by a copy of the Express Mail postcard with a tracking number EV967917329US showing a "date-in" of January 22, 2007. The petition was dismissed by a decision mailed September 29, 2008, because petitioner did not demonstrate that the petition was filed promptly after it was discovered that an incorrect filing date had been accorded the application as is a requirement of 37 CFR 1.10(c). The instant renewed petition was filed on January 2, 2009, wherein petitioner offers some explanation of petitioner's effort to file the petition under 37 CFR 1.10(c) promptly after it was discovered that the filing date accorded the application was incorrect.

In view of the above, the petition is granted. The new filing date for the above-cited application is January 22, 2007.

The Office of Patent Application Processing will further process the application with a filing date of January 22, 2007, and issue a corrected filing receipt.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of	:	
Ricard Chetrit Russi et al.	:	
Application No. 11/658,209	:	DECISION ON PETITION
Filed: January 23, 2007	:	TO WITHDRAW
Attorney Docket No. TJA-161US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 11, 2009.

The request is **NOT APPROVED.**

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

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed. Refer to Form No. PTO/SB/83 (Updated 4/2008).

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Mr. Ignasi Gomez Belichon
Kontrelmec, S.L.
c/Sant Josep, 25
Aiguaviva (Girona), Spain 17181

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OFFICE OF PETITIONS

Ratnerprestia
P.O. Box 980
Valley Forge, PA 19482

In re Application of	:	
Ricard Chetrit Russi et al.	:	
Application No. 11/658,209	:	DECISION ON PETITION
Filed: January 23, 2007	:	TO WITHDRAW
Attorney Docket No. TJA-161US	:	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 July 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. 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 Jacques L. Etkowicz on behalf of all attorneys/agents associated with customer number 23122. All attorneys/agents associated with customer number 23122 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 inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first named signing inventor, since no assignee has properly intervened, at the first copied address below. A courtesy copy of this decision will also be mailed to the address noted on the request. If this person(s) desire to receive future correspondence regarding this application then the proper power of attorney documents and/or a Statement under 3.73(b) must be submitted.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Richard Chetrit Russi
Pg Marqués de Camp 57, Baixos 2ª
Salt, Spain 17190

cc: Mr. Ignasi Gomez Belinchon
Kontrelmec, S.L.
c/Sant Josep, 25
Aiguaviva (Girona), Spain 17181

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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
11/658,209	01/23/2007	Ricard Chetrit Russi	TJA-161US

CONFIRMATION NO. 3962

POWER OF ATTORNEY NOTICE

23122
RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

OC000000037298544

Date Mailed: 08/11/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/09/2009.

- 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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KRIEG DEVAULT LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS IN 46204-2079

MAILED

MAY 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Pierre Tschampion	:	
Application No.: 11/658213	:	DECISION ON
Filing or 371(c) Date: 01/23/2007	:	PETITION
Attorney Docket Number: ROLO-1	:	

This is a decision in response to the "Petition to Withdraw Notice of Abandonment Under 37 CFR 1.181(a)," filed February 5, 2010.

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed July 14, 2009. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on October 15, 2009. A Notice of Abandonment was mailed January 26, 2010.

Applicant files the present petition and asserts that a timely reply to the Notice was filed on January 13, 2010, including a request and fee authorization for a three (3) month extension of time, in accordance with 37 CFR 1.8. In support of this assertion, Applicant provides a copy of the reply.

A review of Office records reveals that the Office received the reply on January 19, 2010, including a three month extension of time and fee. The reply also includes a Certificate of Mailing Under 37 CFR 1.8, dated January 13, 2010. The Certificate of Mailing is executed by Petitioner herein (37 CFR 1.8(b)(3)).

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed or decided with prejudice, or the prosecution of a

reexamination proceeding is terminated pursuant to § 1.550(d) or § 1.957(b) or limited pursuant to § 1.957(c), or a requester paper is refused consideration pursuant to §a), the correspondence will be considered timely if the party who forwarded such correspondence:

(1)Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2)Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3)Includes a statement that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing, transmission or submission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement. If the correspondence was transmitted via the Office electronic filing system, a copy of an acknowledgment receipt generated by the Office electronic filing system confirming submission may be used to support this statement.

(c) The Office may require additional evidence to determine if the correspondence was timely filed.

Applicant has complied with the requirements of 37 CFR 1.8(b).

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

The application will be referred to Technology Center Art Unit 3727 for processing of the Reply, and for continued examination in the normal course of business.

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

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

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

Paper No.

MORGAN, LEWIS & BOCKIUS LLP (SF)
One Market, Spear Street Tower, Suite 2800
San Francisco CA 94105

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OFFICE OF PETITIONS

In re Application of Defrees Application No. 11/658,218 Filed: June 20, 2008 Attorney Docket No.: 101847-5154-US Title: ENZYMATIC MODIFICATION OF GLYCOPEPTIDES	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on September 10, 2009. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 C.F.R. § 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.

Petitioner has identified the particular type of fee that was erroneously paid as a small entity, when the small entity fee was actually paid, the small entity fee that was actually paid, the deficiency owed amount, and the total deficiency payment owed.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

The deficiency payment will be deducted from Petitioner's Deposit Account in due course, as authorized on the first page of this petition.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The 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.[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

---

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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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/658,242	01/22/2007	Peter Blurton	T1656YP	3788

210 7590 12/04/2009
MERCK AND CO., INC
P O BOX 2000
RAHWAY, NJ 07065-0907

EXAMINER
RICCI, CRAIG D

ART UNIT	PAPER NUMBER
1628	

MAIL DATE	DELIVERY MODE
12/04/2009	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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DEC 0 4 2009

MERCK AND CO., INC
P O BOX 2000
RAHWAY NJ 07065-0907

In re Application of:	:
Blurton et al.	:
Serial No.: 11/658,242	: PETITION DECISION
Filed: January 22, 2007	:
Attorney Docket No.: **T1656YP**	:

This is in response to the petition filed November 11, 2009 under 37 CFR § 1.181, requesting that the finality of the Office action of October 27, 2009 be withdrawn as premature.

BACKGROUND

The examiner mailed a non-final Office action on March 17, 2009 setting a three month statutory limit for reply. In this action, claims 8-13 were rejected under 35 USC 102 (b) as being anticipated by Allen et al., claims 5-7 were objected to as depending from a rejected claim, and Claims 1and 2 were withdrawn from consideration.

On June 19, 2009, applicants submitted amendments and remarks addressing the rejection set forth in the Office action of March 17, 2009.

On October 27, 2009, the examiner mailed a final Office action setting a three month statutory limit for reply. In this action, the examiner newly rejected claims 8, 10 and 13 under 35 USC 102 (b) as being anticipated by Faller et al. and claims 5-7, 9 and 11-12 were objected to as depending from a rejected claim.

In response thereto, applicants filed this petition on November 11, 2009 under 37 CFR § 1.181, requesting that the finality of the Office action of October 27, 2009 be withdrawn as premature.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed on November 11, 2009, "Applicants submit the new ground of rejection was not necessitated by the Applicants' amendment of June 16, 2009. Applicants narrowed claim 13

in this Amendment to overcome the 102(b) rejection over *Allen,* which in no way necessitated the rejection over *Faller.* The Examiner could have raised the rejection of claims 8, 10 and 13 over *Faller* in the non-final rejection of March 17, 2009. As such, the final rejection is premature. Withdrawal thereof is respectfully requested."

Applicants' argument has been carefully considered but it is not persuasive. It appears that the new ground of rejection in the final Office action is, in fact, necessitated by amendment. Applicants have narrowed claim 13 such that the rejection over Allen is overcome, thereby requiring the examiner to search for another species. In fact, this point is not in dispute as applicants have admitted that they narrowed claim 13 to overcome the rejection over Faller.

The following excerpt from MPEP § 706.07 is set forth below:

> Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

The examiner's rejection of the claims under 35 U.S.C. § 102 (b) in the final Office action was a new rejection considering that the examiner did not originally institute said rejection(s) in the non-final Office action. While new rejections are permitted in final Office actions, such new rejections are only proper under certain circumstances according to the provisions set forth in the MPEP; those provisions being, either when applicants' amendment to the claims necessitates such a rejection or when an IDS submitted by applicants necessitates such a rejection, see MPEP citation (*Id.*) In the instant case, the claim amendments of June 19, 2009 did alter the scope of the claims requiring a new search which resulted in a new rejection. In view of the evidence, the final Office action issued October 27, 2009 is not found to be premature nor in error. Consequently, the finality of the Office action will not be withdrawn in favor of applicants.

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.

Remy Yucel
Director, Technology Center 1600

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21 DEC 2007

Bayer Material Science, LLC
100 Bayer Road
Pittsburgh, PA 15205

In re Application of	:	
RUDIGER, et al.	:	
Application No.: 11/658,277	:	
PCT No.: PCT/EP05/07789	:	DECISION ON PAPERS
Int. Filing Date: 18 July 2005	:	
Priority Date: 26 July 2004	:	UNDER 37 CFR 1.42
Attorney Docket No.: PO-8419/BMS041075	:	
For: MOULDS WITH HIGH LIGHT	:	
DISPERSION AND HIGH LIGHT	:	
TRANSMISSION	:	

This application is in response to applicant's "SUBMISSION OF MISSING PARTS OF APPLICATION UNDER 35 U.S.C. 371" filed 07 June 2007. The filed combined declaration and power of attorney is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 18 July 2005, applicant filed international application PCT/EP05/07789, which claimed priority to an earlier application filed 26 July 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 02 February 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 26 January 2007.

On 23 January 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application and an application data sheet.

On 07 June 2007, applicant filed the present petition.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 07 June 2007 is executed by Christine Ilona Roelofs and Lars Roelofs as legal heirs to the estate of deceased inventor, Marco Roelofs. Applicant has provided a statement and documentation to show that these individuals represent all of the heirs of the deceased. The declaration provides the citizenship for both the deceased inventor and the signing heirs per 37 CFR 1.497(a)(3). In addition, the declaration has been executed by the remaining inventors. As such, it is proper to grant applicant's request for status pursuant to 37 CFR 1.42.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 18 July 2005 and will be given a date of **07 June 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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3 1 MAR 2009

John A Artz
Artz & Artz , P.C.
28333 Telegraph Road
Suite 250
Southfield MI 48034

In re Application of PIETRONI, Veronica Application No.: 11/658,292 PCT No.: PCT/IB05/02394 Int. Filing Date: 22 July 2005 Priority Date: 24 July 2004 Attorney Docket No.: ST 0105 PUS For: CAR FRAME FEATURING RTM-TECHNOLOGY MODULES OF COMPOSITE MATERIAL	:	DECISION ON PETITION UNDER 37 CFR 1.47(b)

This decision is issued in response to applicant's "Petition under 37 CFR 1.47(b)" filed 13 February 2009 to accept the application without the signature of inventor, Veronica Pietroni.

BACKGROUND

On 22 July 2005, applicant filed international application PCT/IB05/02394 which claimed a priority date of 24 July 2004. Accordingly, the thirty-month time period for submitting the requisite basic national fee in the United States of America was to expire 30 months from the priority date, 24 January 2007.

On 23 January 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of international application; and a preliminary amendment.

On 16 September 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed. The notification set a two-month time limit in which to respond.

On 13 February 2009, applicant filed the present petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(i); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the nonsigning inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. The 37 CFR 1.47(b) applicant has satisfied the requirements of item (1), (3) and (6). However, items (2), (4) and (5) and have not been satisfied.

As to item (2), petitioner states that a diligent effort has been to reach Veronica Pietroni. Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

A review of the present petition reveals that petitioner has not provided an acceptable showing that a diligent effort was made to locate the nonsigning inventor, Veronica Pietroni. The declaration of Amedeo Felisa and John A. Artz states that they attempted to contact Veronica Pietroni by registered mail and all attempts were unsuccessful. However, multiple mailings to the nonsigning inventor's last known address does not constitute a "diligent" effort to locate the nonsigning inventor. Applicant must show that alternative means were employed, such as a search of telephone and/or Internet directories, in an attempt to locate Veronica Pietroni. As stated above, copies of documentary evidence such as internet searches, certified mail return receipt, cover letter of instructions, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts.

Regarding Item (4), the declaration is signed by a person not having apparent authority to sign on behalf of the assignee. (See MPEP 324)

Concerning item (5), petitioner has not submitted sufficient evidence that the inventor assigned the instant application to Ferrari S.p.a. As stated in §409.03(f) of the MPEP, Proof of Proprietary Interest, when an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that, as of the date the application is deposited in the Patent and Trademark Office, (1) the invention has been assigned to the applicant, or (2) the inventor has agreed in writing to assign the invention to the applicant, or (3) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Veronica Pietroni under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition filed under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO MONTHS** from the mailing date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)."

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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

1 9 MAY 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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John A Artz
Artz & Artz , P.C.
28333 Telegraph Road
Suite 250
Southfield MI 48034

In re Application of PIETRONI, Veronica Application No.: 11/658,292 PCT No.: PCT/IB05/02394 Int. Filing Date: 22 July 2005 Priority Date: 23 July 2004 Attorney Docket No.: ST 0105 PUS For: CAR FRAME FEATURING RTM-TECHNOLOGY MODULES OF COMPOSITE MATERIAL	:	DECISION ON PETITION UNDER 37 CFR 1.47(b)

This decision is in response to applicant's "Renewed Petition under 37 CFR 1.47(b)" filed 12 May 2009. In a decision dated 31 March 2009, applicant's petition under 37 CFR 1.47(b) to accept the application without the signature of inventor, Veronica Pietroni, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(b) is moot since the declaration filed 12 May 2009 with the present renewed petition was executed by the named inventor, the previous non-signing inventor, Veronica Pietroni. The declaration filed 12 May 2009 is acceptable under 37 CFR 1.497.

For the reasons above, the renewed petition under 37 CFR 1.47(b) is **DISMISSED** as MOOT.

The application has an international filing date of 22 July 2005 under 35 U.S.C. 363 and a date of 12 May 2009 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

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

17 NOV 2009

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Dickinson Wright PLLC
38525 Woodward Avenue
Suite 2000
Bloomfield Hills MI 48304-2970

In re Application of	:	
PIETRONI, Veronica	:	
Application No.: 11/658,292	:	
PCT No.: PCT/IB05/02394	:	DECISION ON PETITION
Int. Filing Date: 22 July 2005	:	
Priority Date: 23 July 2004	:	
Attorney Docket No.: ST 0105 PUS	:	
For: CAR FRAME FEATURING RTM-TECHNOLOGY MODULES OF COMPOSITE MATERIAL	:	

This decision is issued in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)" filed 05 October 2009 which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The procedural background for this application is set forth in the Decision on Petition dated 19 May 2009.

On 20 August 2009, the United States Designated/Elected Office mailed a Notification of Abandonment under 37 CFR 1.495 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to respond to the Decision on Petition under 37 CFR 1.47(b) mailed 19 May 2009.

However, the Decision on Petition under 37 CFR 1.47(b) mailed 19 May 2009 was dismissed as moot since the declaration filed 12 May 2009 was executed by the named inventor, the previous non-signing inventor, Veronica Pietroni. The declaration filed 12 May 2009 was acceptable under 37 CFR 1.497. Further, the Decision on Petition under 37 CFR 1.47(b) indicated that the application has an international filing date of 22 July 2005 under 35 U.S.C. 363 and a date of 12 May 2009 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

Therefore, the Notification of Abandonment mailed 20 August 2009 was mailed in error and is hereby **VACATED**. The holding of Abandonment is withdrawn.

The petition under 37 CFR 1.181 is **GRANTED** and applicant's petition under 37 CFR 1.137(b) is **DISMISSED** as moot. The petition fee submitted the present petition has been refunded.

This application is being forwarded to United States Designated/Elected Office for further processing and for review of the national stage papers submitted 02 March 2006 and, if appropriate, preparation and mailing of the Notification of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903) and Official Filing Receipt indicating a date of 12 May 2009 under 35 U.S.C. 371(c).

Anthony Smith
Attorney Advisor
Office of PCT Legal Administration
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JUNEAU PARTNERS
333 N. FAIRFAX ST.
SUITE 305
ALEXANDRIA, VA 22301

MAILED

MAY 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Marco Bianchi et al	:	
Application No. 11/658,299	:	DECISION ON PETITION
Filed: November 14, 2008	:	TO WITHDRAW
Attorney Docket No. AbdnByClnt-DeSim-Bianchi	:	FROM RECORD
	:	

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 1, 2010.

The request is **APPROVED**.

The request was signed by Todd L. Juneau on behalf of the practitioners of record associated with Customer Number 50438.

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

All future correspondence will be directed to inventor Marco Bianchi 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: Dr. Bianchi
c/o De Simone & Partners S.P.A.
Via Vincenzo Bellini, 20
Rome, Italy 00198
Italy

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/658,299	11/14/2008	Marco Bianchi	AbdnByClnt-DeSim-Bianchi

CONFIRMATION NO. 5170

POWER OF ATTORNEY NOTICE

50438
JUNEAU PARTNERS
333 N Fairfax St.
Suite 305
ALEXANDRIA, VA 22301

OC000000041789752

Date Mailed: 05/28/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/01/2010.

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

/idingle/

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/658,299	11/14/2008	Marco Bianchi	AbdnByClnt-DeSim-Bianchi

CONFIRMATION NO. 5170

POA ACCEPTANCE LETTER

Dr. Bianchi
c/o De Simone & Partners S.P.A.
Via Vincenzo Bellini, 20
Rome, 00198
ITALY

OC000000041789792

Date Mailed: 05/28/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/01/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

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

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0 2 SEP 2009

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Gary M. Cohen Esq.
Strafford Building Number Three
125 Strafford Avenue, Suite 300
Wayne, PA 19087

In re Application of :
PERNOT, Jacques :
Application No.: 11/658,302 :
PCT No.: PCT/FR2005/000875 :
Int. Filing Date: 12 April 2005 : DECISION ON REQUEST
Priority Date: 27 July 2004 :
Attorney Docket No.: MICROM28 :
For: DEVICE FOR HOLDING A DENTAL INSTRUMENT

This decision is issued in response to applicant's "Petition under 37 CFR 1.10(c) and 1.181(a)(3)" filed 24 July 2009. This request is treated herein as a petition under 37 CFR 1.10(c) to correct the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4). No petition fee is required.

BACKGROUND

On 23 January 2007, applicant filed a transmittal letter for entry into the national stage in the United States for international application PCT/FR2005/000875, which included, among other materials, the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an English translation of the international application.

In response to the Notification of Missing Requirements dated 18 August 2008 and the Notification of Defective Response dated 19 September 2008, applicant filed an executed declaration of inventorship on 06 November 2008.

On 26 February 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 06 November 2008.

On 24 July 2009, applicant filed the "Petition under 37 CFR 1.10(c) and 1.181(a)(3)" considered herein as a petition under 37 CFR 1.10(c). In the petition, applicant asserts that the correct 35 U.S.C. 371(c) date is 05 November 2008, the date the declaration completing the 35 U.S.C. 371(c) requirements was deposited with the USPS as "Express Mail."

DISCUSSION

The declaration filed by applicant in response to the Notification Of Defective Response was accompanied by a "Certificate Of Express Mailing Under 37 CFR 1.10." The Certificate Of Express Mailing identified the "Express Mail" label number as EM170658755US, identified the deposit date as 05 November 2008, and itemized the accompanying materials (including the one page declaration).

The present submission includes a copy of "Express Mail" label number EM170658755US. The "date in" on this "Express Mail" label is 05 November 2008. In addition, the label bears a separate USPS stamp dated 05 November 2008. Finally, USPS online tracking records confirm that this "Express Mail" envelope was accepted by the USPS on 05 November 2008.

Based on applicant's statements, the Certificate Of Express Mailing included with the filed correspondence, the 05 November 2008 "date in" and date stamp on the "Express Mail" label, and the USPS tracking records, it is concluded that the "Express Mail" envelope containing the declaration was deposited with the USPS on 05 November 2008. Pursuant to 37 CFR 1.10(c), the declaration is therefore properly accorded a filing date of 05 November 2008.

The declaration filed 05 November 2008 completed the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4). Accordingly, the correct date under 35 U.S.C. 371(c) for the present application is 05 November 2008. Applicant's request for a corrected filing receipt and Notification Of Acceptance that properly identify the 35 U.S.C. 371(c) date as 05 November 2008 is therefore appropriately granted.

CONCLUSION

Applicant's petition under 37 CFR 1.10(c) is **GRANTED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) and Official Filing Receipt are hereby VACATED.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision, including the issuance of a corrected Notification Of Acceptance and filing receipt that properly identify the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as **05 November 2008**.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
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2 0 AUG 2008

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30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

In re Application of FOODY et al	:	
U.S. Application No.: 11/658,338	:	
PCT Application No.: PCT/CA2005/001098	:	DECISION
Int. Filing Date: 15 July 2005	:	
Priority Date Claimed: 16 July 2004	:	
Attorney Docket No.: 01039.009800	:	
For: METHOD OF OBTAINING A PRODUCT SUGAR STREAM FROM CELLULOSIC BIOMASS	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 24 January 2007.

BACKGROUND

On 15 July 2005, applicant filed international application PCT/CA2005/001098, which claimed priority of an earlier United States application filed 16 July 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 26 January 2006. The thirty-month period for paying the basic national fee in the United States expired on 16 January 2007.

On 17 January 2007, international application PCT/CA2005/001098 became abandoned as to the United States for failure to timely pay the basic national fee.

On 24 January 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 15 July 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 24 January 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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Gail A Dalickas
E I Du Pont Nemours and Company
Legal Patent Record Center
4417 Lancaster Pike
Wilmington, DE 19805

Mail Date: 04/21/2010

Applicant	: Alexander Zak Bradley	: DECISION ON REQUEST FOR
Patent Number	: 7619107	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/658,369	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **284** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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INTELLECTUAL PROPERTY LAW DEPARTMENT
PO BOX 1895, M.S. 641
NEW HOLLAND PA 17557

In re Application of MISSOTTEN et al. Application No.: 11/658,373 PCT No.: PCT/EP05/53650 Int. Filing Date: 26 July 2005 Priority Date: 28 July 2004 Attorney Docket No.:18568 For: APPARATUS AND METHOD FOR ANALYSING THE COMPOSITION OF CROP IN A CROP-CONVEYING MACHINE	DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on applicant's "Request and Fee to Add Not Named Inventor in-Nonprovisional Application and Declaration(37 CFR 1.48(a))", treated as a petition under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office (USPTO) on 06 June 2008 in the above referenced application.

BACKGROUND

On 24 January 2007, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 06 June 2008, applicant filed the instant petition. In addition to the authorization to charge applicant's deposit account for $130 petition fee, Petitioner provided the statement of the inventor Carmen S. Wallays, in support of the correction of inventorship under 37 CFR 1.497(d) and the written consent of the assignee. Applicant also filed an incomplete executed declaration.

DISCUSSION

At the outset, it is noted that 37 CFR 1.48(a) is directed to non-provisional applications. A national stage application is not considered a non-provisional application until the requirements of 35 U.S.C. 371 are complete. Thus, a petition under 37 CFR 1.48(a) does not apply to the instant application at this time. Such request to correct inventorship is treated as a petition under 37 CFR 1.497(d), to correct an inventive entity if different from the inventive entity identified in the international application.

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person

being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(g); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)). With regard to applicant's petition, applicant satisfied the requirements of 37 CFR 1.497(d) and met all of the requirements to add Carmen S. Wallays as an inventor in the above-identified international application.

However, the declaration filed on 06 June 2008 does meet the requirements of 37 CFR 1.497(a) and (b) as it does not identify all the inventors and provide their respective citizenship, residency and mailing address. The requirements of 37 CFR 1.497(a) and (b) have not been met.

CONCLUSION

Applicant's petition under 37 CFR 1.497(d) to add inventor Carmen S. Wallays is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the $130 surcharge for filing the oath or declaration after the thirty month period, are required.

Cynthia M. Kratz

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0 6 NOV 2007

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J. MARK HOLLAND AND ASSOCIATES
3 SAN JOAQUIN PLAZA
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NEWPORT BEACH CA 92660

In re Application of OLSON, Donald O. Application No.: 11/658,392 PCT No.: PCT/US04/33448 Int. Filing Date: 07 October 2004 Priority Date: 03 May 2004 Attorney Docket No.: OLSON P3444 For: FILTER AND FILTER CLEANING APPARATUS AND RELATED METHODS	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 25 January 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith

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Attorney-Advisor
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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

In re Application of	:	
PASTERNACK, et al.	:	
U.S. Application No.: 11/658,397	:	DECISION ON PETITION
PCT No.: PCT/US04/28776	:	
Int. Filing Date: 03 September 2004	:	UNDER 37 CFR 1.137(b)
Priority Date: 03 September 2003	:	
Attorney Docket No.: 62610.000041	:	
For: METHOD FOR VACCINATION OF POULTRY	:	
BY BACTERIOPHAGE LYSATE BACTERIN	:	

The petition to revive under 37 CFR 1.137(b) filed 26 January 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a compliant, executed oath or declaration of the inventors is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
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1 5 OCT 2008

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

In re Application of	:	DECISION
SPENGLER	:	
Application No.: 11/658,429	:	
PCT No.: PCT/EP2005/007590	:	
Int. Filing Date: 13 July 2005	:	
Priority Date: 27 July 2004	:	
Attorney Docket No.: 5255-112PUS	:	
For: SEAL ARRANGEMENT ON A	:	
VERTICAL FRAME PROFILE OF A DOOR	:	
WING		

This decision is in response to applicant's petition under 37 CFR 1.497(d) filed on 08 February 2008.

BACKGROUND

On 13 July 2005, applicant filed international application PCT/EP2005/007590, which designated the United States and claimed a priority date of 27 July 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 02 February 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 29 January 2007 (27 January 2007 being a Saturday).

On 26 January 2007, applicant filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of the inventor.

On 25 September 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that the declaration of the inventor filed 26 January 2007 was not in compliance with 37 CFR 1.497(a)-(b) because the inventor listed on the declaration is not the same as the inventor listed on the published international application.

On 08 February 2008, applicant filed the instant petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a petition/fee for a three-month extension of time and statements from Werner Spengler and Christian Meyer.

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Applicant has satisfied items (1) and (2). Item (4) is not required.

Item (3) has not been satisfied. No mention is made in the petition regarding whether an assignment has been executed. If an assignment has been executed, the written consent of the assignee is required. A proper showing under 37 CFR 3.73(b) is also required if an assignment has been executed. See MPEP § 324.

CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED** without prejudice for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs

Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

17 FEB 2009

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SUITE 1210
NEW YORK NY 10176

In re Application of	:	DECISION
SPENGLER	:	
Application No.: 11/658,429	:	
PCT No.: PCT/EP2005/007590	:	
Int. Filing Date: 13 July 2005	:	
Priority Date: 27 July 2004	:	
Attorney Docket No.: 5255-112PUS	:	
For: SEAL ARRANGEMENT ON A	:	
VERTICAL FRAME PROFILE OF A DOOR	:	
WING		

This decision is in response to applicant's petition under 37 CFR 1.497(d) filed on 15 December 2008.

BACKGROUND

On 13 July 2005, applicant filed international application PCT/EP2005/007590, which designated the United States and claimed a priority date of 27 July 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 02 February 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 29 January 2007 (27 January 2007 being a Saturday).

On 26 January 2007, applicant filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of the inventor.

On 25 September 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that the declaration of the inventor filed 26 January 2007 was not in compliance with 37 CFR 1.497(a)-(b) because the inventor listed on the declaration is not the same as the inventor listed on the published international application.

On 08 February 2008, applicant filed a petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a petition/fee for a three-month extension of time and statements from Werner Spengler and Christian Meyer.

On 15 October 2008, a decision was mailed dismissing applicant's petition under 37 CFR 1.497(d) without prejudice. Specifically, it was noted that item (3) of 37 CFR 1.497(d) had not been met.

On 15 December 2008, applicant filed the instant renewed petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a showing under 37 CFR 3.73(b) and a consent of assignee statement.

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

As noted in the decision mailed 15 October 2008, applicant has satisfied items (1) and (2) and item (4) is not required.

Item (3) has still not been satisfied. The showing under 37 CFR 3.73(b) includes an assignment from the person being added as inventor (Christian Meyer). However, 37 CFR 1.497(d)(3) is directed to an assignment executed by any of the *original named* inventors. No mention is made whether an assignment has been executed by Werner Spengler.

CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED** without prejudice for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

2 7 APR 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

In re Application of	:	DECISION
MAYER	:	
Application No.: 11/658,429	:	
PCT No.: PCT/EP2005/007590	:	
Int. Filing Date: 13 July 2005	:	
Priority Date: 27 July 2004	:	
Attorney Docket No.: 5255-112PUS	:	
For: SEAL ARRANGEMENT ON A	:	
VERTICAL FRAME PROFILE OF A DOOR	:	
WING		

This decision is in response to applicant's renewed petition under 37 CFR 1.497(d) filed on 03 March 2009.

BACKGROUND

On 13 July 2005, applicant filed international application PCT/EP2005/007590, which designated the United States and claimed a priority date of 27 July 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 02 February 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 29 January 2007 (27 January 2007 being a Saturday).

On 26 January 2007, applicant filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of the inventor.

On 25 September 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that the declaration of the inventor filed 26 January 2007 was not in compliance with 37 CFR 1.497(a)-(b) because the inventor listed on the declaration is not the same as the inventor listed on the published international application.

On 08 February 2008, applicant filed a petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a petition/fee for a three-month extension of time and statements from Werner Spengler and Christian Meyer.

On 15 October 2008, a decision was mailed dismissing applicant's petition under 37 CFR 1.497(d) without prejudice. Specifically, it was noted that item (3) of 37 CFR 1.497(d) had not been met.

On 15 December 2008, applicant filed a renewed petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a showing under 37 CFR 3.73(b) and a consent of assignee statement.

On 17 February 2009, a decision was mailed dismissing applicant's petition under 37 CFR 1.497(d) without prejudice. Specifically, it was noted that it was not clear whether an assignment had been executed by the original named inventor.

On 03 March 2009, applicant filed the instant renewed petition under 37 CFR 1.497(d).

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

As noted in the decision mailed 15 October 2008, applicant has satisfied items (1) and (2) and item (4) is not required.

Item (3) has now been satisfied. As noted in the renewed petition, no assignment has been executed by the original named inventor Werner Spengler.

Declaration of the Inventor

The declaration of the inventors filed 26 January 2007 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision including processing the application in the name of Christian Mayer as inventor.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

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LAW OFFICE OF MICHAEL A. SANZO, LLC
15400 CALHOUN DR.
SUITE 125
ROCKVILLE MD 20855

MAILED

APR 15 2010

OFFICE OF PETITIONS

In re Application of :
Rieping :
Application No. 11/658,477 : ON APPLICATION FOR
Filed: January 25, 2007 : PATENT TERM ADJUSTMENT
Attorney Docket No. 7601/09030 :
Title: METHOD FOR THE :
PRODUCTION OF L-AMINO ACIDS :
USING STRAINS FROM THE :
ENTEROBACTERIACEA FAMILY WHICH :
CONTAIN AN ENHANCED LAMB GENE :

This is a decision on the "REQUEST FOR RECONSIDREATION FOR PATENT TERM CALCULATION," filed January 22, 2010. This petition is properly treated under 37 CFR §1.705(b). Applicant submits that the correct patent term adjustment to be indicated on the patent is three hundred seventy-six (376) days, not three hundred sixty-seven (367) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment.

The request for review of the patent term adjustment is **Dismissed**.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

On November 18, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated the patent term adjustment to date is 367 days. Applicant disputes the calculations.

The Office has considered applicant's argument but does not find it persuasive.

Applicant contends that an adjustment of 381 days instead of 371 days is required for failure by the Office to mail at least one of the notifications under 35 U.S.C. 132 not later than fourteen months after the date on which the application fulfilled the requirements under 35 U.S.C. 371, pursuant to § 1.702(a)(1).

A restriction requirement was mailed on April 9, 2009, which is 14 months and 371 days after the application fulfilled the requirements of 35 U.S.C. 371 on February 3, 2007. A review of the record shows that the requirements of 35 U.S.C. 371 were fulfilled on February 3, 2007. As early commencement was not requested, the last of 35 U.S.C. 371 requirements to be completed was commencement at 30 months on February 3, 2007.

As such an adjustment of 381 days is not warranted.

The total number of days of Office delay at the time of the mailing of the Notice of Allowance is 371 days.

Applicant also states that a reduction in the amount of 5 days instead of 4 days is required. A review of the record confirms that a 4 day reduction is required pursuant to 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 4 days for the submission of reply on September 9, 2009 is warranted. A reduction of 4 days is required based upon, the number of days in excess of three months that was taken to reply to the June 5, 2009 Office action (September 6, 2009 to September 9, 2009).

The total number of days of Applicant delay at the time of the mailing of the Notice of Allowance is 4 days.

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].

In view thereof, it is concluded that the determination of patent term adjustment at the time of the mailing of the Notice of Allowance is three hundred sixty-seven (367) days.

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

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

---

[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.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Charlema Grant, at (571) 272-3215.

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

2 8 AUG 2008

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Alexandria, VA 22313-1450
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Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston, MA 02205

In re Application of	:	
KIM et al.	:	
U.S. Application No. 11/658,532	:	
PCT No.: PCT/KR05/00177	:	
Int. Filing Date: 20 January 2005	:	
Priority Date: 20 January 2004	:	DECISION ON PETITION
Attorney Docket No.: 67183(301264)	:	
For: BIOREACTOR USING VIVIPAROUS PLANT	:	

The petition to revive under 37 CFR 1.137(b) filed 24 January 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

Deposit Account No. 04-1105 will be charged the required $750 petition fee under 37 CFR 1.17(m).

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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JAN 13 2009

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

In re Application of	:	
MASAMI, AIDA KOCHCHI	:	DECISION ON REQUEST TO
Application No. 11/658,533	:	PARTICIPATE IN PATENT
Filed: January 25, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 14875-173US 1/C1-A0410Y1P-US		
	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 18, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the office actions just prior to the "Decision to Grant" (the latest "Notification of Reasons for Refusal) 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 fails to comply with the requirement because:

The applicant did not submit a copy of the allowable/patentable claim(s) from the JPO application(s). The office has not been able to obtain the claims via the Dossier Access System.

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

Response must be submitted via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebc/efs_help.html.

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.

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/658,533		Aida Kohchi Masami	14875-173Us1 C1-A0410Y1P-	6202

26161 7590 03/27/2009
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

ART UNIT	PAPER NUMBER
1614	

NOTIFICATION DATE	DELIVERY MODE
03/27/2009	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):

PATDOCTC@fr.com

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P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAR 2 7 2009

In re Application of	:	
MASAMI, AIDA KOHCHI	:	DECISION ON REQUEST TO
Application No. 11/658,533	:	PARTICIPATE IN PATENT
Filed: January 25, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 14875-173Us1	:	PROGRAM AND PETITION
/C1-A0410Y1P-US	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This letter is in response to the Request for Reconsideration filed January 23, 2009 to reconsider the Dismissal Decision of January 13, 2009 on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 18, 2008, to make the above-identified application special.

BACKGROUND

On January 13, 2009, Applicants' request and petition to participate in the PPH program was denied as the request did not include a copy of the allowable/patentable claims from the JPO application(s) in Japanese.

DISCUSSION

In their request for reconsideration, Applicants provided a copy of the allowable/patentable claims in Japanese. All the requirements for the PPH petition are thus met.

Accordingly, the request for reconsideration and petition are **GRANTED.**

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
Technology Center 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

15 JUL 2009

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ALEXANDRIA, VA 22313-1450
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SIDLEY AUSTIN LLP
717 NORTH HARWOOD
SUITE 3400
DALLAS, TX 75201

In re Application of NOMURA et al	:	
U.S. Application No.: 11/658,548	:	
PCT Application No.: PCT/JP2005/013124	:	DECISION
Int. Filing Date: 15 July 2005	:	
Priority Date Claimed: 27 July 2004	:	
Attorney Docket No.: 18733/00270	:	
For: STEERING COLUMN DEVICE	:	

This is in response to the petition under 37 CFR 1.182 filed 26 November 2008.

BACKGROUND

On 15 July 2005, applicant filed international application PCT/JP2005/013124, which claimed priority of an earlier Japan application filed 27 July 2004. The thirty-month period for paying the basic national fee in the United States expired on 27 January 2007.

On 24 January 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 10 November 2008, this Office mailed a communication which identified a discrepancy with respect to the international application number.

On 26 November 2008, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

Although the transmittal letter filed 24 January 2007 references international application number PCT/US2005/013124, other accompanying documents reference international application number PCT/JP2005/013124. The present petition states that the incorrect international application number was inadvertently listed on the transmittal letter. Applicant's

explanation for the error is accepted. The requisite petition fee will be charged to Deposit Account No. 18-1260 as authorized in the petition.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905), which should indicate that the declaration filed on 24 January 2007 is not presently in compliance with 37 CFR 1.69(b) because the declaration does not use an official form provided by the USPTO, i.e. USPTO Form PTO/SB/106. Applicant must submit either: (1) a declaration using USPTO Form PTO/SB/106 or (2) a statement that the translation contained in the submitted declaration is accurate.

Bryan Lin
Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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

MAILED

JUN 09 2009

OFFICE OF PETITIONS

Applicant: Kawashiro, et al.
Appl. No.: 11/658,557
Filing Date: January 25, 2007
Title: SQUEEZE BOTTLE AND EYE DROPPER USING THE SAME
Attorney Docket No.: 06854.0054-00000
Pub. No.: 2008/0302830 A1
Pub. Date: December 11, 2008

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on February 10, 2009, 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.

On September 3, 2008, a Filing Receipt was mailed by the Office, which listed improperly listed the inventorship and the foreign priority 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 prior to export of the publication to the publisher.

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

6 JUL 2009

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Fitch, Even, Tabin & Flannery
P.O. Box 18415
Washington, DC 20036

In re Application of	:	
Hlousek et al.	:	
Application No. 11/658,586	:	
PCT No.: PCT/AT2005/000285	:	
Int. Filing Date: 19 July 2005	:	DECISION
Priority Date: 28 July 2004	:	
Atty. Docket No.: 8529/88449	:	
For: Connection For High-Pressure	:	
Medium Conduits	:	

This is in response to the "Request..." filled on 24 February 2009.

BACKGROUND

This international application was filed on 19 July 2005, claimed an earliest priority date of 28 July 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 02 February 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 28 January 2007. Applicants timely filed *inter alia* the basic national fee.

On 27 August 2007, a "Revocation of Power of Attorney..." was placed in this application file.

On 22 September 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to Moore & Van Allen PLLC.

DISCUSSION

Counsel indicates that the USPTO erred in entering and accepting the "Revocation of Power of Attorney..." in favor of Moore and Van Allen PLLC. Inspection of said "Revocation of Power of Attorney..." form reveals that it is directed toward application no. 11/658,686, whose applicants are Trainin et al. and whose title relates to "Novel Bacteria..." Based on the totality of the evidence currently of record, it would be appropriate to conclude that this "Revocation of Power of Attorney..." was directed to 11/658,686, and that the USPTO erred in entering it into the instant application. Consequently, the Notification of Missing Requirements mailed on 22 September 2008 was mailed to an incorrect address, and it is hereby **VACATED**.

The Notice Regarding Change of Power of Attorney and the Notice of Acceptance of Power of Attorney mailed on 22 September 2008 are also **VACATED**.

DECISION

The petition is **GRANTED** as discussed above.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the correction of the records of the USPTO to show the attorneys and agents related to Customer Number 42798 to be applicants' representatives, and the address related to 42798 to be the correspondence address of record. A new Notification of Missing Requirements will be mailed to this correct correspondence address.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

cc: MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park NC 27709

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

Mail Date: 04/21/2010

Applicant	: Yasunobu Matsuoka	: DECISION ON REQUEST FOR
Patent Number	: 7657136	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/658,587	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2008	: 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

15 OCT 2008

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United States Patent and Trademark Office
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JONES DAY
222 East 41st Street
New York, NY 10017

In re Application of DAI *et al* Application No: 11/658,605 PCT No.: PCT/US2005/027243 Int. Filing Date: 01 August 2005 Priority Date: 01 August 2004 Docket No.: 9301-254-999 For: PROGNOSIS OF BREAST CANCER PATIENTS	**DECISION**

This decision is in response to applicants' "Petition Under 37 C.F.R. § 1.59(b) to Expunge Information Unintentionally Submitted in an Application File" filed on 23 September 2008.

BACKGROUND

On 26 January 2007, applicants filed the subject national stage application of PCT/US2005/027243 which was accompanied by, *inter alia*, a 356-page sequence listing.

On 23 September 2008, applicants submitted a petition under 37 CFR 1.59(b) petition to expunge certain documents contained in the 356-page sequence listing. Applicants also included a petition under 37 CFR 1.182 to expedite the petition to expunge.

DISCUSSION

Applicants request that the information contained in the paper copy of a sequence listing (between pages 288 and 289) be expunged. The papers to be removed are a fourteen-page document titled "Jones Day Global Strategic Plan for a Copyright Law Practice October 10, 2005."

Counsel explains that the document is "irrelevant to the above-identified application and was submitted unintentionally in the application." Applicants included the required information (A - F) detailed in section 424.05 (II) of the MPEP including the $200.00 petition fee.

37 CFR 1.59 (b) states that "[a]n applicant may request that the Office expunge information, . . . , by filing a petition under this paragraph. Any

petition to expunge information from an application must include the fee set forth in § 1.17(g) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.

A review of the fourteen (14) page document in question clearly indicates that it was submitted by mistake. The document was located in the 356-page paper copy of a sequence listing and addresses internal matters of the law practice.

This information is irrelevant and held not to be **material to patentability.**

CONCLUSION

Applicants' petition to expunge the document unintentionally submitted is hereby **GRANTED**.

The fourteen (14) page document has been removed from the application file.

Applicants' petition under 37 CFR 1.182 will not be addressed. The $400.00 petition fee has been credited to Deposit Account No. 50-3013 as authorized.

This application will be forwarded to the DO/EO/US for further processing.

Any questions concerning this matter may be directed to James Thomson at (571) 272-3302.

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/658,638		Kenji Yoshida	30162/42402	6937

EXAMINER

7590 05/07/2008
MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

ART UNIT	PAPER NUMBER
2811	

MAIL DATE	DELIVERY MODE
05/07/2008	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☒ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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

MAILED
JUN 17 2010
OFFICE OF PETITIONS

Applicant: Quinones et al.
Appl. No.: 11/658,662
International Filing Date: July 8, 2005
Title: **PROCESS FOR PREPARING QUINUCLIDINIUM CARBAMATE DERIVATIVES**
Attorney Docket: 09605.0027
Pub. No.: US 2009/0198064 A1
Pub. Date: August 6, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 5, 2009, 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.

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.

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

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

Mail Date: 05/21/2010

Applicant	: Kimiaki Toshikiyo	: DECISION ON REQUEST FOR
Patent Number	: 7667286	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/658,666	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **363** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

4 JUN 2009

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Marshall, Gerstein & Borun, LLP
233 South Wacker Drive, Suite 6300
Sears Tower
Chicago, IL 60606-6357

In re Application of MAYER et al. Application No.: 11/658,682 PCT No.: PCT/EP05/05854 Int. Filing Date: 01 June 2005 Priority Date: 26 July 2004 Attorney Docket No.: 30882/DP041 For: METHOD AND DEVICE FOR VERIFYING POSTAGE WHEN MOVING POSTAL ARTICLES OVER AN ELECTRONIC PARCEL COMPARTMENT SYSTEM	DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Response to Notice of Defective Response" dated 30 June 2008 which is being treated as a petition to change an inventor's name under 37 CFR 1.182. Applicants request to change the name of the second inventor from Sara Steinmann to Sara Freitag. The $400 petition fee will be charged to counsel's Deposit Account No. 13-2855.

BACKGROUND

On 26 January 2007, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; a copy of the international application; and an application data sheet.

On 17 September 2007, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 20 November 2007, applicants filed an executed declaration of inventors.

On 28 May 2008, the United Stated Designated/Elected Office mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was defective because the second inventor (Sara Freitag) was not identified by the name listed on the international application.

On 30 June 2008, applicants filed "Response to Notice of Defective Response" and a statement from counsel (Michael A. Chinlund) that inventor Sara Steinmann became legally married and changed her name to Sara Freitag.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicants request to change the name of the second inventor from Sara Steinmann to Sara Freitag. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the second inventor. For such a petition to be grantable, MPEP §605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a copy of the court order."

Here, applicants' submission included the authorization to charge Deposit Account No. 13-2855 for required fees. Based on this authorization, Deposit Account No. 13-2855 will be charged the requisite petition fee of $400, satisfying the petition fee requirement. However, applicants have not submitted the required statement from the inventor (or court order) confirming the name change and the procedure whereby the name was changed (for example, by marriage).

Because applicants have failed to submit all the requirements for a grantable petition, correction of the inventor's name on the present record is inappropriate. Accordingly, the declaration filed 20 November 2007, which identifies the second inventor as Sara Freitag, is defective for failure to properly identify the inventors of record herein.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

0 6 AUG 2009

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Marshall, Gerstein & Borun, LLP
233 South Wacker Drive, Suite 6300
Sears Tower
Chicago, IL 60606-6357

In re Application of
MAYER et al.
Application No.: 11/658,682
PCT No.: PCT/EP05/05854
Int. Filing Date: 01 June 2005
Priority Date: 26 July 2004
Attorney Docket No.: 30882/DP041
For: METHOD AND DEVICE FOR VERIFYING POSTAGE WHEN MOVING POSTAL ARTICLES OVER AN ELECTRONIC PARCEL COMPARTMENT SYSTEM

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.182" dated 24 July 2009. Applicants request to change the name of the second inventor from Sara Steinmann to Sara Freitag.

BACKGROUND

On 26 January 2007, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; a copy of the international application; and an application data sheet.

On 17 September 2007, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 20 November 2007, applicants filed an executed declaration of inventors.

On 28 May 2008, the United Stated Designated/Elected Office mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was defective because the second inventor (Sara Freitag) was not identified by the name listed on the international application.

On 30 June 2008, applicants filed "Response to Notice of Defective Response" and a statement from counsel (Michael A. Chinlund) that inventor Sara Steinmann became legally married and changed her name to Sara Freitag. In a decision dated 04 June 2009, applicants' petition under 37 CFR 1.182 was dismissed without prejudice.

On 24 July 2009, applicants filed the present renewed petition under 37 CFR 1.182.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicants are requesting to change the name of the second inventor from Sara Steinmann to Sara Freitag. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the second inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order."

Here, applicants' previous submission included the authorization to charge counsel's Deposit Account No. 13-2855 for required fees. As for the affidavit requirement or copy of the court order, applicants have submitted a "Declaration of Sara Freitag" (affidavit) regarding the name change. Hence, the affidavit supplied satisfies the requirements for a grantable petition. Therefore, item (2) has been satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Sara Steinmann to Sara Freitag is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.

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

17 NOV 2008

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MOORE & VAN ALLEN PLLC
430 DAVIS DRIVE
P.O. BOX 13706
RESEARCH TRIANGLE PARK, NC 27709

In re Application of	:	
Trainin et al.	:	
Application No.: 11/658,686	:	
PCT No.: PCT/IL2005/000785	:	
Int. Filing Date: 24 July 2005	:	DECISION
Priority Date: 26 July 2004	:	
Attorney Docket No.: 4303/2.1	:	
For: Novel Bacteria And Pharmaceutically	:	
Active Products Obtained Therefrom	:	

This is with regard to the petition under 37 CFR 1.181 filed on 07 January 2008.

BACKGROUND

This international application was filed on 24 July 2005, designated the United States, and claimed an earliest priority date of 26 July 2004. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 26 January 2007. Applicant timely filed *inter alia* the basic national fee on 26 January 2007.

DISCUSSION

Petitioner asserts that applicants filed a submission under 35 U.S.C. 371, directed toward PCT/IL2005/000785, via Express Mail on 26 January 2007. Petitioner further states that

> it has been determined that a national phase application related to PCT/IL2005 /000785 is not of record in the USPTO database. Furthermore, the notation of Serial No. 11/658,686 on the recorded Assignment is incorrect. Serial No. 11/658,686 relates to an application for another inventor on unrelated subject matter.

Review of the instant electronic application file, 11/658,686, reveals that applicants' 35 U.S.C. 371 submission filed 26 January 2007 has been placed therein. All of the documents currently in this application file pertain to PCT/IL2005/000785; no documents pertaining to an "application for another inventor on unrelated subject matter"are currently in the file. Moreover, the PALM database correctly shows this application to be the national stage under 35 U.S.C. 371 of PCT/IL2005/000785. Based on the totality of the evidence currently of record, the petition under 37 CFR 1.181 is MOOT.

Applicant paid a $130.00 petition fee on 07 January 2008. However, no fee is required for consideration of the instant petition. Therefore, the $130.00 fee is being refunded to counsel's Deposit Account no. 13-4365, pet the authorization included in the petition.

DECISION

The petition under 37 CFR 1.181 is **DISMISSED AS MOOT**, without prejudice.

Any request for reconsideration must be filed within **TWO (2) MONTHS** from the mailing date of this Decision, extendable under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

This application is being returned to the Office of Patent Application Processing. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **26 January 2007**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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LADAS & PARRY
5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES CA 90036-5679

MAILED

MAR 29 2010

OFFICE OF PETITIONS

In re Application of :
Dani Peleg :
Application No. 11/658,689 : DECISION ON PETITION
Filed: January 25, 2007 :
Attorney Docket No. B-6201PCT 623991-6 :

This is a decision on the petition under 37 CFR 1.314, filed March 15, 2010, to defer issuance of the patent.

The petition is **DISMISSED**.

37 CFR 1.314 states:

> "If applicant timely pays the issue fee, the Office will issue the patent in regular course unless the application is withdrawn from issue (§1.313) or the Office defers issuance of the patent. To request that the Office defer issuance of a patent, applicant must file a petition under this section including the fee set forth in §1.17(h) and a showing of good and sufficient reasons why it is necessary to defer issuance of the patent.

The present petition includes the requisite petition fee; but, does not provide a showing of good and sufficient reasons why it is necessary to defer issuance of the patent. Accordingly, the petition cannot be granted at this time.

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 the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/658,701	01/29/2007	Silvano Fumero	2923-791	7226

6449 7590 02/26/2009
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

EXAMINER
PITRAK, JENNIFER S

ART UNIT	PAPER NUMBER
1635	

NOTIFICATION DATE	DELIVERY MODE
02/26/2009	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):

PTO-PAT-Email@rfem.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date Mailed: February 26, 2009

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

Applicant: Fumero et al.
Appl. No.: 11/658,701
Filing Date: January 29, 2007
Title: USE OF K -252A AND KINASE INHIBITORS FOR THE PREVENTION OR TREATMENT OF HMGB1-ASSOCIATED PATHOLOGIES
Attorney Docket No.: 2923-791
Pub. No.: US 2008/0317809 A1
Pub. Date: December 25, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on February 24, 2009, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, **as a Pre-Grant publication submission.** The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

02/26/2009 DTERRY 00000001 022135 11658701
01 FC:1803 130.00 DA

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

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

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

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Adjustment date: 02/26/2009  KKING1
02/25/2009 INTEFSW  00000170 022135   11658701
01 FC:1504        300.00 CR
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JAN 20 2010

OFFICE OF PETITIONS

TECHLAW LLP
10755 SCRIPPS POWAY PARKWAY, SUITE 465
SAN DIEGO, CA 92131

In re Application of :
Giuseppe Claudio Viscomi, et al. :
Application No.: 11/658,702 : ON PETITION
Filed: October 8, 2007 :
Attorney Docket No.: AWASS.003US :

This is a decision on the petition, filed January 15, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 18, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1624 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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OFFICE OF PETITIONS

MARTIN D MOYNIHAN d/b/a PRTSI INC
PO BOX 16446
ARLINGTON VA 22215

In re Application of	:	
Moses, et al.	:	
Application No. 11/658,747	:	ON PETITION
Filed: January 29, 2007	:	
Attorney Docket No. 32752	:	

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

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

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

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed May 1, 2009. This Notice set a statutory period for reply of three (3) months. No issue fee having been received, the application became abandoned on August 2, 2009. The Office mailed a Notice of Abandonment on August 26, 2009.

To establish non-receipt of an Office action, a petitioner:

> must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.[1]

In addition, the Manual of Patent Examining Procedure § 711.03(c) also states:

> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has not submitted a copy of a master docket record showing all his replies docketed for a due date of August 1, 2009, nor has petitioner stated that such a record does not exist. Rather, petitioner has only submitted a copy of an incoming mail log covering the month of May. If no master docket report exists (i.e. one showing all replies docketed for a certain due date), petitioner should so state on renewed petition.

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

---

[1] MPEP 711.03(c).

the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARTIN D MOYNIHAN d/b/a PRTSI INC
PO BOX 16446
ARLINGTON VA 22215

MAILED

MAR 03 2010

OFFICE OF PETITIONS

In re Application of	:	
Moses, et al.	:	
Application No. 11/658,747	:	ON PETITION
Filed: January 29, 2007	:	
Attorney Docket No. 32752	:	

This is a decision on the renewed petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed February 1, 2010.

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

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed May 1, 2009. This Notice set a statutory period for reply of three (3) months. No issue fee having been received, the application became abandoned on August 2, 2009. The Office mailed a Notice of Abandonment on August 26, 2009. Applicant filed a petition to withdraw the holding of abandonment on October 21, 2009. However, the petition was dismissed in a decision mailed on December 16, 2009. The petition was dismissed because while petitioner submitted a copy of an incoming mail log for the month of May, petitioner did not submit a copy of a master docket report showing all replies docketed for a due date of August 1, 2009.

With the instant renewed petition, petitioner has submitted a copy of a master docket report, showing all of his replies docketed for a due date of August 1, 2009. An entry for the instant application does not appear, supporting the conclusion that the May 1, 2009 Notice of Allowance was not received.

The application is being forwarded to Group Art Unit 2129 for re-mailing of the May 1, 2009 Notice of Allowance, setting a new period for reply.

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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07 JUL 2008

Gary M. Nath
THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314

In re Application of	:	DECISION ON
MARTIN, et al	:	
Application No.: 11/658,751	:	
PCT No.: PCT/CA2005/000334	:	
Int. Filing Date: 04 March 2005	:	PETITION UNDER
Priority Date: 05 March 2004	:	
Attorney's Docket No.: 28858U	:	
For: REVERSE-FLOW PERUSION	:	
... SCAFFOLDS	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 C.F.R. 1.137(b)," filed on 29 January 2007.

BACKGROUND

On 04 March 2005, this international application was filed, claiming an earliest priority date of 05 March 2004.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 05 September 2006. This international application became abandoned with respect to the United States at midnight on 05 September 2006 for failure to pay the required basic national fee.

On 29 January 2007, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, and the petition fee. However, no executed declaration or oath was filed at such time.

On 19 October 2007, applicants filed an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **19 October 2007.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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22 MAY 2007

FAY SHARPE LLP
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND OH 44114

In re Application of BURTON, Michael John Application No.: 11/658,782 PCT No.: PCT/GB05/02762 Int. Filing Date: 14 July 2005 Priority Date: 15 July 2004 Attorney Docket No.: BKYZ 2 00118 For: GREY WATER FILTERING SYSTEM	: : : : : : :	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 29 January 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith

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

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29 FEB 2008

GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
EXCHANGE PLACE
BOSTON, MA 02109-2881

In re Application of GORDON et al	:	
U.S. Application No.: 11/658,798	:	
PCT Application No.: PCT/CA2005/001180	:	
Int. Filing Date: 29 July 2005	:	
Priority Date Claimed: 30 July 2004	:	DECISION
Attorney Docket No.: TMB-011	:	
For: METHOD OF DETECTING MUTATIONS	:	
IN THE GENE ENCODING CYTOCHROME	:	
P450-2C19	:	

This is in response to applicant's "Amendment to Correct Inventorship in a §371 National Phase Patent Application Under 37 C.F.R. §1.497(d)" filed 12 September 2007.

BACKGROUND

On 29 July 2005, applicant filed international application PCT/CA2005/001180, which claimed priority of an earlier United States application filed 30 July 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 02 February 2006. The thirty-month period for paying the basic national fee in the United States expired on 30 January 2007.

On 29 January 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 16 July 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 12 September 2007, applicant filed the present petition under 37 CFR 1.497(d) and an executed declaration.

DISCUSSION

The petition requests that Frank Merante be added as an inventor.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section. names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, the petition includes a statement of written consent from the purported assignee Luminex Molecular Diagnostics, Inc. ("Luminex"). However, Luminex has not established ownership of the application in accordance with 37 CFR 3.73(b)(1). It is further noted that an assignment has been recorded for the present application, wherein TM Bioscience PGX Inc. ("TM Bioscience") is listed as the assignee, which raises doubt as to whether Luminex has ownership of the present application.

With regard to item (4) above, an executed declaration has been provided.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)". No additional petition fee is required.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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Facsimile: 571-273-0459

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GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
EXCHANGE PLACE
BOSTON, MA 02109-2881

09 MAY 2008

In re Application of GORDON et al	:	
U.S. Application No.: 11/658,798	:	
PCT Application No.: PCT/CA2005/001180	:	
Int. Filing Date: 29 July 2005	:	
Priority Date Claimed: 30 July 2004	:	DECISION
Attorney Docket No.: TMB-011	:	
For: METHOD OF DETECTING MUTATIONS	:	
IN THE GENE ENCODING CYTOCHROME	:	
P450-2C19	:	

This is in response to applicant's " Renewed Petition Under 37 C.F.R. 1.497(d)" filed 28 April 2008.

BACKGROUND

On 29 July 2005, applicant filed international application PCT/CA2005/001180, which claimed priority of an earlier United States application filed 30 July 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 02 February 2006. The thirty-month period for paying the basic national fee in the United States expired on 30 January 2007.

On 29 January 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 16 July 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 12 September 2007, applicant filed a petition under 37 CFR 1.497(d) and an executed declaration.

On 29 February 2008, this Office mailed a decision dismissing the 12 September 2007 petition.

On 28 April 2008, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition requests that Frank Merante be added as an inventor.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Petitioner has previously satisfied items (1), (2), and (4) above.

With regard to item (3) above, the petition includes a statement of written consent from the assignee TM Bioscience PGX Inc. ("TM Bioscience"). TM Bioscience has established ownership of the application in accordance with 37 CFR 3.73(b)(1).

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 29 July 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 12 September 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
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0 4 JUN 2009

T. Daniel Christenbury
IP Group of DLA Piper Rudnick Gray Cary US LLP
One Liberty Place, Suite 4900
1650 Market Street
Philadelphia, PA 19103

In re Application of:	:	
HORIGUCHI et al.	:	
US Application No.: 11/658,809	:	
PCT Application No.: PCT/JP2005/14009	:	
Int. Filing Date: 01 August 2005	:	DECISION
Atty Docket No.: TIP-07-1012	:	
For: LEATHER-LIKE SHEET AND PRODUCTION METHODS THEREOF	:	

This is in response to applicants' "Request for Corrected Notice of Acceptance" filed on 17 March 2009.

BACKGROUND

On 01 August 2005, applicants filed international application PCT/JP2005/14009. On 29 January 2007, applicants submitted national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, inter alia, the basic national fee required by 35 U.S.C. 371 (c)(1).

On 09 February 2009, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (PCT/DO/EO/903). The Notice indicates "01/29/2007" as the Date of Receipt of 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) requirements, and indicates "02/02/2007" as the date of completion of all 35 U.S.C. 371 Requirements.

On 17 March 2009, applicants filed the present petition to correct the Date of Completion in the Notice of Acceptance from "02/02/07" to "01/29/2007".

DISCUSSION

A review of the application file reveals that the applicants satisfied the 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) requirements upon filing on 29 January 2007, which is earlier than the

required 30 months date from the earliest priority date. The 371 completion date on the Notice of Acceptance may contain a date that is equivocal to the 30 months date or thereafter. An earlier date may appear if an express request to begin early national examination procedure is made and all other requirements under 35 U.S.C. 371 have been met.

Here, applicant's submission on 29 January 2007 specifically requested the DO/EO/US to begin early national examination procedure. Accordingly, the 371 completion date for this application is 29 January 2007.

CONCLUSION

For the reason above, the request is **GRANTED**.

The Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (PCT/DO/EO/903) mailed on 09 February 2009 is hereby **VACATED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision. The 35 U.S.C. 371 (c)(1),(c)(2) and (c)(4) date is 29 January 2007.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557
Fax: (571) 273-0459

Leonard Smith
Supervisory Legal Examiner
Office of PCT Legal Administration

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WASHINGTON, DC 20036

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APR 22 2009

OFFICE OF PETITIONS

In re Application of
Rainer BUSCH
Application No. 11/658,862
Filed: January 30, 2007
Attorney Docket No. **8033-88387**

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 7, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed July 7, 2008. Accordingly, the date of abandonment of this application is October 8, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510 and the publication fee of $300, (2) the petition fee of $1620; and (3) an adequate statement of unintentional delay.

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 Monica A. Graves at (571) 272-7253.

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

Brian W. Brown
Petitions Examiner
Office of Petitions

cc: **NORMAN N. KUNITZ**
1120-20TH STREET NW, SUITE 750 SOUTH
WASHINGTON, DC 20036

0 9 JUN 2008

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

In re Application of	:	
MATSUDA et al.	:	
Application No.: 11/658,869	:	DECISION
PCT No.: PCT/JP2005/013928	:	
Int. Filing Date: 29 July 2005	:	
Priority Date: 30 July 2004	:	
Attorney Docket No.: 070056	:	
For: INDIVIDUAL DETECTOR AND A	:	
TAILGATE DETECTION DEVICE	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 17 March 2008 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 29 July 2005, applicants filed international application PCT/JP2005/013928, which designated the United States and claimed a priority date of 30 July 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 02 February 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 January 2007.

On 30 January 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 17 March 2008, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, a statement of facts by Chikako Kubota, a statement of facts by Takuma Kawasaki, a statement of facts by Souichi Nakai, a copy of a letter dated 31 May 2007 from Souichi Nakai to non-signing inventor Naoya Ruike, receipts for two registered mail packages dated 31 May 2007 and English translations thereof, and mail delivery certificates for two registered mail packages delivered 02 June 2007 and English translations thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1) and (3) have been satisfied. (As to item (1), the fee is $200 rather than $130.)

Item (2) has been satisfied. To establish a refusal to sign, it is required that the inventor be presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)." The statement of facts of Souichi Nakai states that on "May 31, 2007, I sent the Description, Drawings, Declaration, and Assignment to Mr. Ruike's last known address by recorded mail. I also sent a letter through certified mail . . ." As noted above, there are receipts and delivery certificates for two packages mailed 31 May 2007. It has been construed that one of these packages included the Description, Drawings, Declaration, and Assignment and the other of these packages included the letter dated 31 May 2007 to Mr. Ruike. If this interpretation is incorrect, applicants are required to *notify the Office of PCT Legal Administration immediately*. Thus, it has been established that Mr. Ruike has been presented with the application papers. Mr. Ruike's conduct, as outlined in the statements of facts accompanying the petition, constitutes a refusal to sign.

Item (4) has not been satisfied. The declaration of inventors filed 17 March 2008 is not in compliance with 37 CFR 1.69(b); specifically applicants have not used one of the pre-approved foreign language forms nor have applicants furnished the requisite statement attesting to the accuracy of the translation.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. A proper response must specify whose signature is below non-signing inventor Fergus Francis Murray's name. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

/Daniel Stemmer/

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1 4 OCT 2008

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P.O. BOX 55874
BOSTON MA 02205

In re Application of	:	
MATSUDA et al.	:	
Application No.: 11/658,869	:	DECISION
PCT No.: PCT/JP2005/013928	:	
Int. Filing Date: 29 July 2005	:	
Priority Date: 30 July 2004	:	
Attorney Docket No.: 070056	:	
For: INDIVIDUAL DETECTOR AND A	:	
TAILGATE DETECTION DEVICE	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 08 August 2008 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 29 July 2005, applicants filed international application PCT/JP2005/013928, which designated the United States and claimed a priority date of 30 July 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 02 February 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 January 2007.

On 30 January 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 17 March 2008, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, a statement of facts by Chikako Kubota, a statement of facts by Takuma Kawasaki, a statement of facts by Souichi Nakai, a copy of a letter dated 31 May 2007 from Souichi Nakai to non-signing inventor Naoya Ruike, receipts for two registered mail packages dated 31 May 2007 and English translations thereof, and mail delivery certificates for two registered mail packages delivered 02 June 2007 and English translations thereof.

On 09 June 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor was not sufficient because it was not in compliance with 37 CFR 1.69(b).

On 08 August 2008, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by a statement by Mari Hasegawa attesting to the accuracy of the translation of the declaration.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the 09 June 2008, items (1), (2), and (3) have been met.

Item (4) has now been satisfied as well. The declaration filed 17 March 2008 and the statement attesting to the accuracy of the translation of the declaration filed 08 August 2008 satisfy 37 CFR 1.497(b) and 37 CFR 1.69(b).

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **17 March 2008**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

1 4 OCT 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. Naoya Ruike
5-4, Osugitai, Oaza-Nukazuka
Hachinohe-shi
Aomori 031-0022
Japan

In re Application of
MATSUDA et al.
Application No.: 11/658,869
PCT No.: PCT/JP2005/013928
Int. Filing Date: 29 July 2005
Priority Date: 30 July 2004
Attorney Docket No.: 070056
For: INDIVIDUAL DETECTOR AND ACCOMPANIMENT DETECTION DEVICE

Dear Mr. Ruike:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

EDWARDS ANGELL PALMER & DODGE LLP
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED

MAY 11 2010

OFFICE OF PETITIONS

In re Application of	:	
Song-Bae KIM, et al	:	
Application No. 11/658,891	:	DECISION ON PETITION
Filed: June 5, 2008	:	TO WITHDRAW
Attorney Docket No. 0662-0200PUSI		FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 10, 2010.

The request is **NOT APPROVED**.

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

The request cannot be approved because the attorneys of record were not appointed by the customer number indicated. Further, the customer number indicated in the withdrawal request, appears to be a deposit account number.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED

JUN 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Song-Bae KIM, et al	:	
Application No. 11/658,891	:	DECISION ON PETITION
Filed: June 5, 2008	:	TO WITHDRAW
Attorney Docket No. 0662-0200PUS1	:	FROM RECORD
	:	

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 24, 2010.

The request is **APPROVED**.

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

The request was signed by Esther Chong on behalf of the attorneys of record associated with Customer No. 02292.

The attorneys of record associated with Customer No. 02292 have been withdrawn.

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

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

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

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

cc: SONG-BAE KIM
533-2 BONGGOK-RI, BANPO-MYEON,
CHUNGECHEONGNAM-DO
GONGJU-SI 314-923
REPUBLIC OF KOREA

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/658,891	06/05/2008	Song-Bae Kim	0662-0200PUS1

CONFIRMATION NO. 9187

POWER OF ATTORNEY NOTICE

2292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

OC000000041965935

Date Mailed: 06/07/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/24/2010.

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

/dcgoodwyn/

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

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JUL 22 2010

OFFICE OF PETITIONS

HUSCH BLACKWELL SANDERS, LLP
1620 DODGE STREET
SUITE 2100
OMAHA, NE 68102

In re Application of Jody Redepenning Application No. 11/658,920 Filed: March 28, 2008 Attorney Docket No. 503448.11	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed June 18, 2010.

The request is **APPROVED**.

The request was signed by Sean Connolly on behalf of himself and the attorneys/agents associated with Customer Number 61270. Therefore, Sean Connolly and all the attorneys/agents associated with Customer Number 61270 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

This application file is being referred to Technology Center Art Unit 1796 for examination in due course.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Jody Redepenning
920 Manchester Drive
Lincoln, Nebraska 68528

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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
11/658,920	03/28/2008	Jody Redepenning	503448.11

CONFIRMATION NO. 8190

POWER OF ATTORNEY NOTICE

61270
HUSCH BLACKWELL SANDERS LLP
1620 DODGE STREET
SUITE 2100
OMAHA, NE 68102

OC000000042670317

Date Mailed: 07/22/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/18/2010.

- 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.

/amsmith/

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

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THE CHAPAR FIRM, LLC
945 BANK STREET
SUITE B
CONYERS GA 30012

MAILED

JUN 22 2010

OFFICE OF PETITIONS

In re Application of Bas Bayod et al. Application No. 11/658,950 Filed: January 29, 2007 Title: METHOD TO MAKE PAYMENT OR CHARGE SAFE TRANSACTIONS USING PROGRAMMABLE MOBILE TELEPHONES	: : : : :	ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

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

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1,110.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card.

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

This matter is being referred to Technology Center AU 3685 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

2 8 AUG 2009

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Cooper & Dunham, LLP
30 Rockefeller Plaza
20th Floor
New York NY 10112

In re Application of SURI et al. U.S. Application No.: 11/658,952 PCT No.: PCT/US2005/027175 Int. Filing Date: 29 July 2005 Priority Date: 30 July 2004 Attorney Docket No.: 6424/75350-PCT-US For: IMAGING DEVICE FOR FUSED MAMMOGRAPHY WITH INDEPENDENTLY MOVEABLE IMAGING SYSTEMS OF DIFFERENT MODALITIES	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "PetitionUnder 37 CFR 1.47(a) For Request to Make an Application on Behalf of Inventors Who Refuse to Sign the Declaration" filed 30 July 2009. Deposit Account No 03-3125 will be charged the required $200 petition fee.

BACKGROUND

On 29 July 2005, applicants filed international application PCT/US2005/027175. The deadline for submission of the basic national fee was thirty months from the priority date, 30 January 2007.

On 30 January 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 30 April 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an executed declaration in compliance with 37 CFR 1.497 and payment of the surcharge for filing the declaration later than thirty months after the priority date were required.

On 30 July 2009, applicants filed a response to the Notification Of Missing Requirements. The response included payment of the required surcharge, a partially executed declaration, and the petition under 37 CFR 1.47(a) considered herein. The

petition seeks acceptance of the application without the signature of inventor, Idris Elbakri, whom applicants assert that the non-signing inventor refuses to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have authorized a charge to Deposit Account No. 03-3125 for required fees, pursuant to which applicants will be charged the required $200 petition fee, and the petition states the last known address of the non-signing inventors. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by four of the five inventors of record, and the declaration includes an unsigned signature block for the nonsigning inventor, Idris A. Elbakri. However, a review of the declaration filed on 30 July 2009 reveals that declaration is not in an acceptable form. Specifically, there is an issue as to whether the declaration has been properly executed. The declaration filed with the petition includes multiple duplicate sheets. It is unclear if the inventors were presented with only their signature page, in which case the execution would be improper, or if they were presented with a complete declaration for signing, but counsel subsequently compiled the declaration into the single document filed 30 July 2009, which is also improper. (See MPEP 201.03, Page 200-7) Therefore, item (3) has not been satisfied.

With regard to item (4), petitioner states that Idris A. Elbakri has refused to sign the application. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part,

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

> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

A review of the present petition reveals that petitioner has not shown that a bona fide attempt was made to present the application papers (specification, claims, and drawings) to Idris A. Elbakri. The affidavit of Lindsay G. McGuinness states that Idris A. Elbakri refuses to sign the Declaration. However, the affidavit fails to include evidence to demonstrate that the materials were actually received by the nonsigning inventor at his/her last known address. Where the Office is being asked to accept the silence of the nonsigning inventor as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant. In addition, the petition relies on evidence directed to the nonsigning inventor, but a firsthand statement from the person (Amanda Callahan) who apparently sent the communication has not been provided.

As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, and drawings) were sent to Idris A. Elbakri, and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

No additional petition fee is required. Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

1 8 DEC 2009

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Cooper & Dunham, LLP
30 Rockefeller Plaza
20th Floor
New York NY 10112

In re Application of
SURI et al.
U.S. Application No.: 11/658,952
PCT No.: PCT/US2005/027175
Int. Filing Date: 29 July 2005
Priority Date: 30 July 2004
Attorney Docket No.: 6424/75350-PCT-US
For: IMAGING DEVICE FOR FUSED MAMMOGRAPHY WITH INDEPENDENTLY MOVEABLE IMAGING SYSTEMS OF DIFFERENT MODALITIES

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a) For Request to Make an Application on Behalf of Inventors Who Refuse to Sign the Declaration" filed 28 October 2009.

BACKGROUND

On 29 July 2005, applicants filed international application PCT/US2005/027175. The deadline for submission of the basic national fee was thirty months from the priority date, 30 January 2007.

On 30 January 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 30 April 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an executed declaration in compliance with 37 CFR 1.497 and payment of the surcharge for filing the declaration later than thirty months after the priority date were required.

On 30 July 2009, applicants submitted a "Petition under 37 CFR 1.47(a)." In a decision dated 28 August 2009, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 28 October 2009, applicants submitted a renewed petition under 37 CFR 1.47(a)." The renewed petition under 37 CFR 1.47(a) seeks acceptance of the application without the signature of inventor Idris A. Elbakri.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort. Items (1) and (2) were previously satisfied.

Item (3) has not been satisfied. As previously stated, the declaration submitted with the previous petition was defective. (See Decision on Petition dated 28 August 2009.) Therefore, an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor is still required.

With regard to item (4), section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made....The 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.
>
> * * *
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.

> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

A review of the present petition reveals that petitioner has not shown that a bona fide attempt was made to present the U.S. patent application (specification, claims, drawings, and declaration) to Idris A. Elbakri. The affidavits of Lindsay G. McGuinness and Amanda Callahan state that Idris A. Elbakri refuses to sign the Declaration. However, the affidavits fail to include evidence to demonstrate that the materials were actually received by the nonsigning inventor at his/her last known address. Where the Office is being asked to accept the silence of the nonsigning inventor as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant.

Lastly, it is unclear whether the petitioner is asserting that the nonsigning inventor has refused to execute the application or cannot be located to execute the application. If Idris A. Elbakri cannot be located, applicants must show that alternative means were employed, such as a search of telephone and/or Internet directories, in an attempt to locate Idris A. Elbakri. As stated above, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts. Therefore, item (2) has not been satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the

PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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1 2 MAR 2010

Cooper & Dunham, LLP
30 Rockefeller Plaza
20th Floor
New York NY 10112

In re Application of
SURI et al.
U.S. Application No.: 11/658,952
PCT No.: PCT/US2005/027175
Int. Filing Date: 29 July 2005
Priority Date: 30 July 2004
Attorney Docket No.: 6424/75350-PCT-US
For: IMAGING DEVICE FOR FUSED MAMMOGRAPHY WITH INDEPENDENTLY MOVEABLE IMAGING SYSTEMS OF DIFFERENT MODALITIES

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Supplemental Petition under 37 CFR 1.47(a)" filed 03 March 2010. In a decision dated 18 December 2009, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Idris A. Elbakri, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 03 March 2010 with the present petition was executed by the named inventor, the previous non-signing inventor, Idris A. Elbakri. The declaration filed 03 March 2010 is acceptable under 37 CFR 1.497.

For the reasons above, the petition under 37 CFR 1.47(a) is **DISMISSED as MOOT**.

The application has an international filing date of 29 July 2005 under 35 U.S.C. 363 and a date of 03 March 2010 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298

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.
11/658,970	01/30/2007	Hideo Kato	SONYJP 3.3-461	9616

7590 09/09/2009
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER
NGUYEN, HOA T

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
09/09/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Nimi Turner

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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FASSE PATENT ATTORNEYS, P.A.
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OFFICE OF PETITIONS

In re Patent No. 7,537,029
Issued: May 26, 2009
Application No. 11/658,984
Filed: January 29, 2007
Atty. Dkt. No.: 4984 / PCT

: DECISION REGARDING PTA AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This decision is in response to the "GOOD FAITH REQUEST FOR REVIEW OF PTA DETERMINATION," filed June 3, 2009. The Office thanks patentees for their good faith and candor in bringing this to our attention.

The above-identified application matured into U.S. Patent No. 7,537,029 on May 26, 2008. The patent issued with a patent term adjustment (PTA) of 153 days. Patentees indicate that the adjustment may be incorrect because it appears to omit a reduction of the PTA that might have been triggered by the Supplemental Amendment filed January 26, 2009

The calculation of adjustment has been reviewed and found to contain error. As suggested by patentee, the Office neglected to assess a reduction in connection with the supplemental amendment filed January 26, 2009. In accordance with 37 CFR 1.704(c)(8), the adjustment is subject to further reduction of 14 days, the reduction having commenced January 13, 2009, the day after the date that the initial reply was filed, and ended January 26, 2009, the date that the supplemental reply was filed.

Accordingly, at the time of issuance, the patent was entitled to an adjustment of 139 days (adjustment totaling 193 days less reductions of 54 days).

No additional fee has been assessed in connection with this matter.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 139 days.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT	:	7,537,029 B2
DATED	:	May 26, 2009
INVENTOR(S)	:	Gielen, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 153 days

Delete the phrase "by 153 days" and insert – by 139 days--

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24 JUL 2009

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22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

In re Application of YAMASHITA *et al* U.S. Application No.: 11/659,005 PCT No.: PCT/JP2006/008162 Int. Filing Date: 12 April 2006 Priority Date: 14 April 2005 Attorney Docket No.: 01197.0291 For: PIPERAZINE-SUBSTITUTED BENZOTHIOPHENES FOR TREATMENT OF MENTAL DISORDERS	**DECISION ON PETITION UNDER 37 CFR 1.497(d)**

This is a decision on the petition under 37 CFR 1.497(d) filed 04 December 2008.

BACKGROUND

On 04 September 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 04 December 2008, applicants filed the subject petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a declaration executed by nine inventors; a $130.00 surcharge fee; a one-month extension fee; a statement signed by twelve named inventors; and authorization to charge any required fee to Deposit Account No. 06-0916.

DISCUSSION

Applicants request that twelve named inventors of PCT/JP2006/008162 be removed from the above-captioned national stage application.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Applicants have provided a statement signed by the twelve inventors being removed stating that the error arose without any deceptive intention. The $130.00 processing fee has been charged to Deposit Account No. 06-0916 as authorized. Therefore, items (1) and (2) of 37 CFR 1.497(d) are satisfied.

However, applicants have not provided the written consent of the assignee. A review of the above-captioned application shows that an assignment to Otsuka Pharmaceutical Co., Ltd. has been recorded. Accordingly, the written consent of the assignee is required.

For this reason, item (3) of 37 CFR 1.497(d) is not yet satisfied.

CONCLUSION

Applicants' request to remove twelve inventors under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O.

Box 1450, Alexandria, Virginia 22313-1450.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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BC

November 2, 2009

In re application of Hiroshi Yamashita Serial No. 11/659,005 Filed: January 31, 2007 For: PIPERAZINE-SUBSTITUTED BENZO-THIOPHENES FOR TREATMENT OF MENTAL DISORDERS	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special filed September 11, 2009.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

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

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or

ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or

iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

c. A statement that the English translation is accurate;

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)

b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition fail because:

(1) The relationship between the present application and JP 2006-111241 (listed on the PTO/SB/20JP) was not identified.

(2) The allowable/patentable claims from the JPO application was submitted.

(3) While a copy of the allowable/patentable claims from the JPO was not submitted, the claim correspondence table on the PTO/SB/20JP indicates that there were nine patentable claims in the JPO applications. However, there are 16 pending claims in the present application. Note that **all** of the claims in the U.S. application must sufficiently correspond to the patentable claims in the JPO application.

(5) No copies of the JPO office actions were submitted.

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

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

24 NOV 2009

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22852
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901 New York Avenue, NW
Washington, DC 20001-4413

In re Application of YAMASHITA *et al* U.S. Application No.: 11/659,005 PCT No.: PCT/JP2006/008162 Int. Filing Date: 12 April 2006 Priority Date: 14 April 2005 Attorney Docket No.: 01197.0291 For: PIPERAZINE-SUBSTITUTED BENZOTHIOPHENES FOR TREATMENT OF MENTAL DISORDERS	**DECISION ON RENEWED PETITION UNDER 37 CFR 1.497(d)**

This is a decision on the renewed petition under 37 CFR 1.497(d) filed 24 September 2009.

BACKGROUND

On 24 July 2009, a decision dismissing applicants' petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available.

On 24 September 2009, applicants filed a renewed petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a consent of assignee.

DISCUSSION

Applicants request that twelve named inventors of PCT/JP2006/008162 be removed from the above-captioned national stage application. As previously indicated, 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Applicants previously completed items (1) and (2) of 37 CFR 1.497(d).

In the renewed petition, applicants submitted a consent of assignee signed Yoshio Samezawa as Director of Intellectual Property Department of Otsuka Pharmaceutical Co. Ltd. In foreign corporations, the position of Director is an officer and is presumed to have the authority to sign for the organization. *See* MPEP § 324. The reel and frame number of the assignment was also provided. Item (3) of 37 CFR 1.497(d) is now satisfied.

All items of 37 CFR 1.497(d) are now complete.

CONCLUSION

Applicants' request to remove twelve inventors in the above-captioned application pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 04 December 2008 is now in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 12 April 2006, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 04 December 2008.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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January 19, 2010

In re application of Hiroshi Yamashita Serial No. 11/659,005 Filed: January 31, 2007 For: PIPERAZINE-SUBSTITUTED BENZO-THIOPHENES FOR TREATMENT OF MENTAL DISORDERS	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special filed December 02, 2009.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

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

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or

ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or

iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

c. A statement that the English translation is accurate;

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)

b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements, except for criterion (1). However, it was determined that JP 2006-11241 claims internal priority to JP 2005-116698. Accordingly, the above-identified application has been accorded "special" status.

The application is currently undergoing pre-examination processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/659,010		Thomas C Basso	112857-1066	1785

29175 7590 03/26/2008
BELL, BOYD & LLOYD, LLP
P. O. BOX 1135
CHICAGO, IL 60690

EXAMINER

ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
03/26/2008	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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BELL, BOYD & LLOYD, LLP
P. O. BOX 1135
CHICAGO, IL 60690
UNITED STATES

MAR 26 2008

In re Application of
Thomas BASSO
Application No.: 11/659,010
Filed: January 30, 2007
Attorney Docket No.: 112857-1066
For: LIQUID CRYSTAL DSIPLAY, OPTICAL SHEET MANUFACTURING METHOD AND OPTICAL SHEET

: 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 October 19, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

Telephone inquiries concerning this decision should be directed to Brian Sircus at 571 272 2058.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

02 FEB 2009

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20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

In re Application of CULBERT *et al* U.S. Application No.: 11/659,025 PCT No.: PCT/US2005/027431 Int. Filing Date: 02 August 2005 Priority Date: 03 August 2004 Attorney Docket No.: TRIAGE.065NP For: TELESCOPIC PERCUTANEOUS TISSUE DILATION SYSTEMS AND RELATED METHODS	**DECISION**

This decision is in response to the papers filed 18 December 2008 which are treated as a petition under 37 CFR 1.182.

BACKGROUND

On 30 January 2007, applicants filed papers to enter the national stage. The transmittal letter (Form PTO-1390) listed the PCT number as PCT/EP2005/037431 . The ADS and declaration recorded the PCT number as PCT/US2005/027431. The Office processed the application as the national stage of PCT/EP2005/037431.

On 09 December 2008, a communication was mailed requesting clarification on the PCT number.

On 18 December 2008, applicants filed a petition to change the underlying PCT application in the above-identified national stage application.

DISCUSSION

Applicants petition to correct the PCT number in the above-captioned national stage application to PCT/US2005/027431. This request is treated as a petition under 37 CFR 1.182. The $400.00 petition fee has been paid.

A review of the above-captioned application file verifies that the wrong PCT number was designated on the transmittal letter (PCT/EP2005/037431). All other indications on the transmittal letter including the name of the inventors, the title, and the international filing date correspond to PCT/US2005/027431. The ADS and declaration filed on 30 January 2007 recorded the PCT number as PCT/US2005/027431. WIPO

records also show that the title of the subject application corresponds to PCT/US2005/027431. Moreover, applicants state in the instant petition that the PCT number should be PCT/US2005/027431.

As such, it is clear that the subject application was intended to be filed as the national stage of PCT/US2005/027431.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/US2005/027431.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

0 3 DEC 2008

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WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

In re Application of	:	
FUKUSHIMA, et al.	:	
Application No.: 11/659,057	:	DECISION ON PETITIONS
PCT No.: PCT/US04/24690	:	
Int. Filing Date: 31 July 2004	:	UNDER 37 CFR 1.10(c)
Priority Date: 31 July 2003	:	
Atty. Docket No.: 31469-707.831	:	AND 37 CFR 1.137(b)
For: CO-DETECTION OF SINGLE POLYPEPTIDE	:	
AND POLYNUCLEOTIDE MOLECULES	:	

This is a decision on applicant's "Petition to Correct Filing Date Under 37 C.F.R. § 1.10(c)" filed 14 November 2008 and petition to revive pursuant to 37 CFR 1.137(b) filed 30 January 2007 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 31 July 2004, applicant filed international application PCT/US04/24690 which claimed priority to an earlier application filed 31 July 2003. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 31 January 2006.

Applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment and the petition to revive discussed herein. The USPTO accorded the papers a receipt date of 31 January 2007.

On 20 October 2008, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 14 November 2008, applicant filed the present petition indicating that the national stage papers were filed on 30 January 2007.

DISCUSSION

I. Petition Under 37 CFR 1.10(c)

37 CFR 1.10(c) states: Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Applicant has satisfied all three items above and it is proper to grant applicant's petition to accord the initial U.S. National stage papers a receipt date of 30 January 2007.

II. Petition Under 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 30 January 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

It is noted that the mailing of a Form PCT/DO/EO/905 prior to the granting of the petition to revive was improper. Applicant will be mailed a new Form PCT/DO/EO/905.

CONCLUSION

Applicant's petitions under 37 CFR 1.10(c) and 37 CFR 1.137(b) are **GRANTED**.

The Form PCT/DO/EO/905 mailed 20 October 2008 is hereby **VACATED**.

This application is being returned to the PCT Operations, National stage processing for the preparation and mailing of a Form PCT/DO/EO/905.

Derek A. Putonen
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1 5 OCT 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
DOSTMANN et al.	:	
Application No.: 11/659,119	:	DECISION ON
PCT No.: PCT/CH2004/000714	:	
Int. Filing Date: 29 November 2004	:	PETITION UNDER
Priority Date: 10 December 2003	:	
Attorney Docket No.: Q99836	:	37 CFR 1.137(b)
For: IDENTIFICATION CARD AND THE	:	
PRODUCTION METHOD THEREOF	:	

This decision is in response to applicant's submission filed 01 February 2007.

BACKGROUND

On 29 November 2004, applicant filed international application PCT/CH2004/000714 which designated the U.S. and claimed a priority date of 10 December 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 23 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 June 2006 (10 June 2006 being a Saturday).

On 01 February 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 01 February 2007.

As to item (2), applicant submitted the petition fee on 01 February 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of inventors filed 01 February 2007 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, an English translation of the international application as filed, and the processing fee under 37 CFR 1.492(i) for furnishing an English translation later than thirty months from the earliest priority date claimed.

/Daniel Stemmer/

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PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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0 8 MAY 2008

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

In re Application of
PILLA, GIOVANNI
Application No.: 11/659,142
PCT No.: PCT/IB05/01631
Int. Filing Date: 10 June 2005
Priority Date: 10 June 2004
Attorney Docket No.: 41886
For: PROMOTIONAL AND/OR ADVERTISING DEVICE WITH AUTOMATICALLY REMOTELY IDENTIFIABLE SHEET SUPPORT, PARTICULARLY FOR ADVERTISING AND PROMOTIONAL PURPOSES

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 01 February 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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2 3 JUN 2008

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ASTRA ZENECA PHARMACEUTICALS LP
GLOBAL INTELLECTUAL PROPERTY
1800 CONCORD PIKE
WILMINGTON, DE 19850-5437

In re Application of	:	
CLAYTON et al.	:	
Application No.: 11/659,149	:	DECISION
PCT No.: PCT/US2005/028760	:	
Int. Filing Date: 12 August 2005	:	
Priority Date: 13 August 2004	:	
Attorney Docket No.: 5999-0500PUS3	:	
For: ISOINDOLONE COMPOUNDS AND THEIR	:	
USE AS METABOTROPIC GLUTAMATE RECEPTOR	:	
POTENTIATORS	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 13 December 2007 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 12 August 2005, applicants filed international application PCT/US2005/028760, which designated the United States and claimed a priority date of 13 August 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 23 February 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 February 2007.

On 01 February 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 13 December 2007, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, several declarations of inventors, a declaration of facts by Laura L. Cobb, a letter from Andrew D. Meikle to non-signing inventor Brad Van Wagenen, copies of FedEx Track Shipment results, a copy of an e-mail chain including a communication from Laurie Cobb to Traci McFarland dated 22 March 2007, a communication from Andrew D. Meikle to Laurie Cobb also dated 22 March 2007, and a communication from Traci McFarland to Andrew D. Meikle also dated 22 March 2007.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1), (3), and (4) have been satisfied.

Item (2) has not been satisfied. Regarding a refusal to sign, MPEP § 409.03(d) states in part:

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

An oral refusal appears to have been made to someone in NPS Pharmaceuticals, Inc. but a statement of facts by this person has not been presented.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. A proper response must specify whose signature is below non-signing inventor Fergus Francis Murray's name. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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0 3 MAR 2009

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BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
CLAYTON et al.	:	
Application No.: 11/659,149	:	DECISION
PCT No.: PCT/US2005/028760	:	
Int. Filing Date: 12 August 2005	:	
Priority Date: 13 August 2004	:	
Attorney Docket No.: 5999-0500PUS3	:	
For: ISOINDOLONE COMPOUNDS AND THEIR	:	
USE AS METABOTROPIC GLUTAMATE RECEPTOR	:	
POTENTIATORS	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 25 August 2008 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** as **MOOT**.

BACKGROUND

On 12 August 2005, applicants filed international application PCT/US2005/028760, which designated the United States and claimed a priority date of 13 August 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 23 February 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 February 2007.

On 01 February 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 13 December 2007, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, several declarations of inventors, a declaration of facts by Laura L. Cobb, a letter from Andrew D. Meikle to non-signing inventor Brad Van Wagenen, copies of FedEx Track Shipment results, a copy of an e-mail chain including a communication from Laurie Cobb to Traci McFarland dated 22 March 2007, a communication from Andrew D. Meikle to Laurie Cobb also dated 22 March 2007, and a communication from Traci McFarland to Andrew D. Meikle also dated 22 March 2007.

On 23 June 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided.

On 25 August 2008, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by a declaration of inventors executed by previously non-signing inventor Bradford Van Wagenen

DISCUSSION

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

The declarations of inventors filed 13 December 2007 and 25 August 2008 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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Legal Administration
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Date Mailed: September 2, 2009
Patent No. :7,547,985 B2
Ser. No. :11/659220
Issued :June 16, 2009
Inventor(s) :Kazuhiko Takaichi, et al.
Title :WIND TURBINE APPARATUS

Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data, attorney agent/firm) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Magdalene Talley
For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1540

Sterne, Kessler, Goldstein & Fox P.L.L.C.
1100 New York Avenue, NW
Washington, DC 20005-3934

MD/mt

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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 08 2010

In re Application of	:	
Takaichi et al.	:	
Application No. 11/659220	:	DECISION
Filing or 371(c) Date: 02/02/2007	:	ON PETITION
Patent No.: 7547985	:	
Issue Date: 06/16/2009	:	
Attorney Docket No.: 0666.3110000/TGD/AKP	:	

This is a decision on the "Petition for Correction of Assignee's Name After Issuance Under 37 C.F.R. § 3.81(b), filed September 17, 2009.

The Petition is **granted**.

The petition was accompanied by a certificate of correction and fee as required by 3.81(b), filed September 17, 2009. Further, Office assignment records reflect that YANMAR CO., LTD., Osaka, JP, is the assignee of record. As the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

2 9 JAN 2008

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

In re Application of: LEE, Sang-Hee, et al.	
U.S. Application No.: 11/659,244	
PCT No.: PCT/KR2005/002400	DECISION ON PETITION
International Filing Date: 25 July 2005	
Priority Date: 26 July 2004	
Atty Docket No.: 67321(301519)	
For: THE CRYSTAL STRUCTURE OF CMY-10, A BETA-LACTAMASE CAUSING ANTIBIOTIC RESISTANCE WITH EXTENDED-SUBSTRATE SPECTRUM	

The petition for revival under 37 CFR 1.137(b) filed 02 February 2007 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 26 January 2007 based on applicants' failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival includes payment of the required petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the present petition includes a statement that "the entire delay in filing the Transmittal Letter to the United States Elected Office and basic filing fee for entry into the U.S. national stage from January 26, 2007 until the filing of this petition was unintentional," satisfying the requirements of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the U.S. is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905). It is noted that applicants have not yet submitted an executed declaration in compliance with 37 CFR 1.497.

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22 APR 2008

MYERS BIGEL SIBLEY & SAJOVEC
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RALEIGH, NC 27627

In re Application of: GEHRING, Thomas, E.J., et al. U.S. Application No.: 11/659,254 PCT No.: PCT/US2005/032697 International Filing Date: 14 September 2005 Priority Date: 17 September 2004 Atty's Docket No.: 998-944XX For: AIR DUCT OUTLETS THAT PRODUCE SELF-OSCILLATING AIR FLOW	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Pursuant To 37 CFR 1.47(a)" filed 07 February 2008. Applicants have paid the required petition fee.

BACKGROUND

On 14 September 2005, applicants filed international application PCT/US2005/032697. The international application claimed a priority date of 17 September 2004, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 17 March 2007.

On 02 February 2007, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 10 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an executed declaration in compliance with 37 CFR 1.497 was required.

On 07 February 2008, applicants filed the "Petition Pursuant To 37 CFR 1.47(a)" considered herein, which seeks acceptance of the application without the signature of inventors Thomas F.J. GEHRING, Ireneusz JANKOWSKI, Dejan HAVIDIC, and Douglas Lim HESTER, whom petitioner asserts have refused to execute the application. The submission included payment of the petition fee and the surcharge for filing the declaration later than thirty months after the priority date, as well as the authorization to charge Deposit Account No. 50-0220 for required fees. Based on this authorization, Deposit Account No. 50-0220 will be charged the fee for the four-month extension of time required for the present submission to be considered a timely response to the Notification Of Missing Requirements.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known addresses of the four non-signing inventors. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by one of the inventors of record that includes unsigned signature blocks for the four non-signing inventors. This declaration can be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing inventors. Item (3) is therefore satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

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

Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided a declaration of Needham J. Boddie, with accompanying exhibits. Mr. Boddie's declaration indicates that, on two different occasions, a request for signature accompanied by copies of the application, assignment and declaration were forwarded to Michael N. Spink, counsel for Collins & Aikman Products Co. (identified as the former employer of the non-signing inventors), and that no response was received to these requests. However, no evidence is provided to indicate that Mr. Spink is the attorney for any of the non-signing inventors. Accordingly, these mailings do no satisfy the MPEP requirement that a copy of the complete application be sent to the last known address of the non-signing inventor or to the non-signing inventor's counsel, and the lack of response to such mailings is not indicative of a refusal to sign by the non-signing inventors.

Mr. Boddie's declaration also refers to a 22 January 2008 mailing directed to each of the inventors at their last known addresses. In response to this mailing, petitioner received the executed declaration of inventor Jeffrey A. MCKERRALL; no response was received from the other inventors, and the mailing directed to inventor Thomas GEHRING was returned as undeliverable. The 22 January 2008 mailing does not appear to have included a copy of the complete application, as required before a refusal to execute the application may be inferred, nor has petitioner provided any evidence that such mailings were delivered to current addresses (i.e., copies of signed delivery receipts). With respect to at least inventor Thomas GEHRING, whose letter was returned as undeliverable, it clearly appears that the address being used by petitioner is not correct.[1]

Based on the above, petitioner has not provided an acceptable showing that requests for signature, accompanied by copies of the complete application, have been sent to the non-signing inventors and that the inventors have refused to provide the requested signature in response to such requests. Petitioner has therefore failed to demonstrate that the non-signing inventors have refused to execute the application. Accordingly, item (4) is not satisfied on the present record.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

[1] If petitioner seeks to demonstrate that this inventor (or any of the other non-signing inventors) cannot be located after diligent effort, additional firsthand evidence must be provided setting forth the efforts made to locate a current address for the non-signing inventor; such efforts must include, but not be limited to, an internet search for the inventor(s). See MPEP section 409.03(d).

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2 6 AUG 2008

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

In re Application of: GEHRING, Thomas, E.J., et al. U.S. Application No.: 11/659,254 PCT No.: PCT/US2005/032697 International Filing Date: 14 September 2005 Priority Date: 17 September 2004 Atty's Docket No.: 998-944XX For: AIR DUCT OUTLETS THAT PRODUCE SELF-OSCILLATING AIR FLOW	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 23 June 2008. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed herein on 22 April 2008 That decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had not provided an adequate demonstration that the non-signing inventors have refused to execute the application and/or cannot be located after diligent effort.

On 23 June 2008, applicants filed the "Renewed Petition Under 37 CFR 1.47(a)" considered herein.

DISCUSSION

In response to the previous decision, petitioner has now provided further materials regarding the efforts made to obtain the signature of the non-signing inventors, specifically, a revised declaration from Needham J. Boddie and a declaration of Michael N. Spink.

The revised declaration from Mr. Boddie does not indicate that any additional efforts have been made to locate and contact the inventors since the mailing of the previous decision. While Mr. Boddie's statement (and a review of the attached cover letters) does clarify that a copy of the complete application was included in the earlier 22 January 2008 mailings from Mr. Boddie to each of the inventors at their last known addresses, as required, petitioner has again failed to provide any evidence that such mailings were directed to current addresses and actually delivered to the inventors (i.e., signed delivery receipts, tracking information, etc.). Such

evidence is especially important where, as here, petitioner is seeking to impute a refusal to sign from an inventor's failure to respond to a mailing directed to a possibly non-current address (as noted in the previous decision, the indication that the letter to inventor Thomas GEHRING was returned as undeliverable indicates that, at least for this inventor, the last known address being used by petitioner is not current). Based on the above, the present record does not provide an acceptable showing that the non-signing inventors have refused to execute the application.

The revised declaration of Mr. Boddie also fails to include evidence that a diligent effort has been made to identify current addresses for Mr. GEHRING or the other inventors. The renewed petition includes copies of emails indicting that some internal inquiry has been made through the inventors' former employer; however, as also noted in the previous decision, if petitioner seeks to demonstrate that Mr. GEHRING (or any of the other non-signing inventors) cannot be located after diligent effort, additional firsthand evidence must be provided setting forth in detail the specific efforts made to locate a current address for the non-signing inventor, and such efforts must include, at a minimum, an internet search for the inventor(s) (see MPEP section 409.03(d)).

Finally, it is noted that the declaration of Michael N. Spink included with the renewed petition does not provide an acceptable showing that the non-signing inventors cannot be located after diligent effort or have refused to execute the application. Mr. Spink states that "[a]fter diligent effort, I was unable to obtain signatures from any of the inventors who, at this time, are no longer employed by Collins & Aikman Products Co." A more detailed, firsthand description of the "diligent effort" made by Mr. Spink (with supporting documentation) is required before a conclusion can be made as to whether the efforts made by petitioner satisfy the requirements for a grantable petition.

Based on the above, petitioner has not provided an acceptable showing that the non-signing inventors have refused to execute the application or cannot be located after diligent effort. Accordingly, the final element of a grantable petition under 37 CFR 1.47(a) remains unsatisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

14 JAN 2009

Commissioner for Patents
United States Patent and Trademark Office
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MYERS BIGEL SIBLEY & SAJOVEC
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RALEIGH, NC 27627

In re Application of: GEHRING, Thomas, E.J., et al. U.S. Application No.: 11/659,254 PCT No.: PCT/US2005/032697 International Filing Date: 14 September 2005 Priority Date: 17 September 2004 Atty's Docket No.: 998-944XX For: AIR DUCT OUTLETS THAT PRODUCE SELF-OSCILLATING AIR FLOW	DECISION ON SECOND RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' second "Renewed Petition Under 37 CFR 1.47(a)" filed 24 October 2008. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed herein on 22 April 2008 and 26 August 2008. These decisions dismissed without prejudice applicants' petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had not provided an adequate demonstration that the non-signing inventors have refused to execute the application and/or cannot be located after diligent effort.

On 24 October 2008, applicants filed the second "Renewed Petition Under 37 CFR 1.47(a)" considered herein.

DISCUSSION

1. Declaration Executed By Co-Inventor Ireneusz JANKOWSKI

The present renewed petition is accompanied by a declaration executed by one of the previously non-signing inventors, Ireneusz JANKOWSKI. The petition under 37 CFR 1.47(a) is therefore moot with respect to this inventor. However, the declaration executed by this inventor is not acceptable as filed. Specifically, the declaration contains non-initialed, non-dated hand-written alterations (see 37 CFR 1.52(c)). Specifically, the hand-written address for Ireneusz JANKOWSKI has not been initialed and dated. Any changes made in ink in the application or declaration prior to signing should be initiated and dated by the applicants prior to execution of the declaration. The Office will not consider whether non-initialed and/or non-dated alterations

were made before or after signing of the oath or declaration but will require a new oath or declaration (see MPEP 605.04(a)). Therefore, a newly executed declaration is required from inventor Ireneusz JANKOWSKI.

2. Second Renewed Petition Under 37 CFR 1.47(a)

The present submission includes a statement Needham J. Boddie, with accompanying materials, discussing further efforts to obtain the signatures of the non-signing inventors. The statement refers to an additional attempt to obtain the inventor's signature by sending signature requests (with accompanying documents) to the inventor's last known addresses via Registered Mail. However, as with the previous mailings herein petitioner has again failed to provide any evidence that such mailings were directed to current addresses and actually delivered to the inventors (i.e., signed delivery receipts, tracking information, etc.). As noted in the previous decisions, such evidence is especially important where, as here, petitioner is seeking to impute a refusal to sign from an inventor's failure to respond to a mailing directed to a possibly non-current address. Based on the above, the present record remains insufficient to conclude the non-signing inventors have refused to execute the application.

As for a showing that the non-signing inventors cannot be located after diligent effort, the present submission also includes additional materials with respect to the effort made to locate current addresses for the non-signing inventor. These attempts include an internet search for current addresses for the non-signing inventors, and an attempt to reach inventor GEHRING at his last known telephone number. However, applicant has not verified the internet search by providing a copy of the results of the internet search, nor is it clear that Mr. Boddie is the person who performed such search (and therefore has the required firsthand knowledge to provide the statement confirming the search). In addition, petitioner has not provided evidence of an attempt to identify current telephone number for the non-signing inventors. Under these circumstances, the present record is not sufficient to confirm that the non-signing inventors cannot be located after diligent effort.

Based on the above, petitioner has not provided an acceptable showing that the non-signing inventors have refused to execute the application or cannot be located after diligent effort. Accordingly, the final element of a grantable petition under 37 CFR 1.47(a) remains unsatisfied.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above, as well as a revised declaration executed by inventor Ireneusz JANKOWSKI which includes all information required by 37 CFR 1.497 and does not bear any undated, uninitialed modifications. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
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1 9 MAY 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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PO BOX 37428
RALEIGH, NC 27627

In re Application of: GEHRING, Thomas, E.J., et al. U.S. Application No.: 11/659,254 PCT No.: PCT/US2005/032697 International Filing Date: 14 September 2005 Priority Date: 17 September 2004 Atty's Docket No.: 998-944XX For:	DECISION ON THIRD RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' third "Renewed Petition Under 37 CFR 1.47(a)" filed 12 March 2009. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed herein on 22 April 2008, 26 August 2008, and 14 January 2009. These decisions dismissed without prejudice applicants' petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had not provided an adequate demonstration that the non-signing inventors have refused to execute the application and/or cannot be located after diligent effort. The most recent decision also indicated that the petition was moot with respect to previously non-signing inventor Ireneusz JANKOWSKI (who had now executed a declaration), but that a revised declaration in acceptable form was required with respect to this inventor.

On 12 March 2009, applicants filed the third "Renewed Petition Under 37 CFR 1.47(a)" considered herein.

DISCUSSION

1. Co-Inventor JANKOWSKI

On 24 October 2008, applicants filed a declaration executed by previously non-signing inventor Ireneusz JANKOWSKI, which appeared to render the petition under 37 CFR 1.47(a) moot with respect to his inventor; however, the declaration executed by this inventor was not acceptable as filed in that the hand-written alteration of the inventor's address was not initialed

and dated. Accordingly, a newly executed declaration was required from inventor Ireneusz JANKOWSKI.

In the present petition, applicants have provided evidence that a request for signature, accompanied by a revised declaration (incorporating the hand-written corrections) was delivered to the corrected address of this inventor and that the inventor has failed to provide the signed declaration in response to such request. The present submission, in combination with the previously filed materials, provides an acceptable showing that inventor Ireneusz JANKOWSKI has refused to execute the application. The final element of a grantable petition is therefore satisfied with respect to this inventor.

2. Co-Inventors GEHRING, HAVIDIC, and HESTER

The present submission includes a supplemental firsthand statement from Anthony P. DeRosa, with supporting documents, regarding additional efforts made to locate the remaining inventors and obtain their signatures. Such additional efforts included internet searches. These materials, in combination with those previously submitted, provide an acceptable showing that inventors GEHRING, HAVIDIC, and HESTER cannot be located after diligent effort. Accordingly, applicants have satisfied the final requirement for a grantable petition with respect to these inventors.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing inventors Thomas F.J. GEHRING, Dejan HAVIDIC, Douglas Lim HESTER, and Ireneusz JANKOWSKI.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventors of the application will be forwarded to the inventors' last-known addresses, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing, including consideration of the additional sequence listing materials filed by applicants on 02 October 2008. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 07 February 2008.

Richard M. Ross
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Office of PCT Legal Administration
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1 9 MAY 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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Thomas F.J. GEHRING
20 Dunmurray Boulevard
Scarborough, Ontario M1T 2J9
CANADA

In re Application of: GEHRING, Thomas, E.J., et al.
U.S. Application No.: 11/659,254
PCT No.: PCT/US2005/032697
International Filing Date: 14 September 2005
Priority Date: 17 September 2004
Atty's Docket No.: 998-944XX
For: AIR DUCT OUTLETS THAT PRODUCE SELF-OSCILLATING AIR FLOW

Dear Mr. GEHRING:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Richard M. Ross
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Counsel Of Record:
MYERS BIGEL SIBLEY & SAJOVEC
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1 9 MAY 2009

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Commissioner for Patents
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Mr. Dejan HAVIDIC
175 Haddington Avenue
Toronto, Ontario M5M 2P7
CANADA

In re Application of: GEHRING, Thomas, E.J., et al.
U.S. Application No.: 11/659,254
PCT No.: PCT/US2005/032697
International Filing Date: 14 September 2005
Priority Date: 17 September 2004
Atty's Docket No.: 998-944XX
For: AIR DUCT OUTLETS THAT PRODUCE SELF-OSCILLATING AIR FLOW

Dear Mr. HAVIDIC:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

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Counsel Of Record:
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1 9 MAY 2009

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Mr. Douglas Lim HESTER
9 Duncomb Boulevard
Scarborough, Ontario M1M 3A4
CANADA

In re Application of: GEHRING, Thomas, E.J., et al.
U.S. Application No.: 11/659,254
PCT No.: PCT/US2005/032697
International Filing Date: 14 September 2005
Priority Date: 17 September 2004
Atty's Docket No.: 998-944XX
For: AIR DUCT OUTLETS THAT PRODUCE SELF-OSCILLATING AIR FLOW

Dear Mr. HESTER:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Richard M. Ross
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Counsel Of Record:
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RALEIGH, NC 27627

1 9 MAY 2009

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Alexandria, VA 22313-1450
www.uspto.gov

Mr. Ireneusz JANKOWSKI
81 Gannett Drive
Richmond Hill, Ontario L4E0G2
CANADA

In re Application of: GEHRING, Thomas, E.J., et al.
U.S. Application No.: 11/659,254
PCT No.: PCT/US2005/032697
International Filing Date: 14 September 2005
Priority Date: 17 September 2004
Atty's Docket No.: 998-944XX
For: AIR DUCT OUTLETS THAT PRODUCE SELF-OSCILLATING AIR FLOW

Dear Mr. JANKOWSKI:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Richard M. Ross
Attorney Advisor
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Counsel Of Record:
MYERS BIGEL SIBLEY & SAJOVEC
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BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON TX 77208-1389

COPY MAILED

JAN 04 2010

In re Application of	:	
Yong-Jun Liu et al.	:	
Application No. 11/659,266	:	DECISION ON PETITION
Filed: June 4, 2008	:	TO WITHDRAW
Attorney Docket No. 051715.000020	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 13, 2009.

The request is **NOT APPROVED.**

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

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

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

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

MAILED

JUL 10 2009

OFFICE OF PETITIONS

Applicants: Rosales
Appl. No.: 11/659,271
International Filing Date: August 2, 2005
Title: CONDENSED PYRIDINES AS KINASE INHIBITORS
Attorney Docket No.: 3494-116
Pub. No.: US 2008/0318977 A1
Pub. Date: December 25, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 24, 2009 for the above-identified application. Applicant requests that the application be republished because the patent application publication contains a material error in several claims.

The request is granted.

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

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

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

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08 AUG 2007

HEDMAN & COSTIGAN P.C.
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of	:	
TORO	:	
Application No.: 11/659,289	:	DECISION ON
PCT No.: PCT/EP2005/006951	:	
Int. Filing Date: 28 June 2005	:	PETITION UNDER
Priority Date: 30 June 2004	:	
Attorney Docket No.: 461.014	:	37 CFR 1.137(b)
For: COOLING DEVICE FOR MEMBRANE	:	
FUEL CELLS	:	

This decision is in response to applicant's submission filed 01 February 2007.

BACKGROUND

On 28 June 2005, applicant filed international application PCT/EP2005/006951 which designated the U.S. and claimed a priority date of 30 June 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 12 January 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 January 2007 (30 December 2006 being a Saturday and 01 January 2007 being a Federal holiday).

On 01 February 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee and a petition under 37 CFR 1.137(b) to revive the application.

On 20 March 2007, applicant filed a submission including a declaration of the inventor and the surcharge under 37 CFR 1.492(h).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 01 February 2007.

As to item (2), applicant submitted the petition fee on 01 February 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of inventors filed 20 March 2007 is not in compliance with 37 CFR 1.497(a)-(b) because the specification has not been adequately identified. The declaration executes the specification "attached hereto". However, no specification is attached thereto. See MPEP § 602. Item IV, for proper identification of the specification.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for providing the oath or declaration later than thirty months from the priority date. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

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

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
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SEP 15 2008

PCT LEGAL
ADMINISTRATION

SCULLY, SCOTT, MURPHY & PRESSER, P.C.

Fax

To:	PCT Office of Legal Administration	**From:**	Edward W. Grolz
Fax:	571-273-0459	**Pages:**	6 (including cover)
Phone:		**Date:**	September 15, 2008
Re:	USSN: 11/659,306 Filed: June 16, 2008 Inventor: Jorge Cavanna, et al. Our Docket: 20741		

☐ **Urgent** X **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• **Comments:**

Attached for entry into the above application are:

1) Reply to Notice Regarding Power of Attorney
2) Copy of Declaration & Power of Attorney
3) Certificate of Facsimile Transmission

CONFIDENTIALITY: The documents accompanying this facsimile transmission may contain information which is either confidential or legally privileged and is intended only for the authorized use of the individual or entity named above without right or publication or republication, dissemination or disclosure except as expressly set forth or established by course of dealing. All rights are reserved. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the contents of this facsimile is prohibited. If you received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

If you have any problems concerning this facsimile, please call (516) 742-4343 and ask for Elyssa Hudes.

PATENT COOPERATION TREATY (PCT) OFFICE OF LEGAL ADMINISTRATION
UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	**Jorge Cavanna, et al.**	**Examiner:**	**Unassigned**
Serial No.:	**11/659,306**	**Art Unit:**	**Unassigned**
Filed:	**June 16, 2008**	**Docket:**	**20741**
For:	**METHOD FOR SECTIONING WITH A SECTION SWITCH A MEDIUM-VOLTAGE ELECTRIC POWER DISTRIBUTION...**	**Dated:**	**September 15, 2008**

Confirmation No.: 2153

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

REPLY TO NOTICE REGARDING POWER OF ATTORNEY

Sirs:

This is in response to the Notice Regarding Power of Attorney dated August 26, 2008 in connection with the above-identified U.S. national stage application. Said Notice indicated that the Power of Attorney filed in this application was not accepted because it was from an assignee. As the attached copy of the submitted Declaration and Power of Attorney clearly indicates, the document is signed by the two inventors originally named in the PCT application and includes a Power of Attorney on page 3 thereof to Customer No. 00272.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to (571)-273-0459 at the Patent and Trademark Office on the date shown below.

Dated: September 15, 2008

Edward W. Grolz

Accordingly, in light of the above, it is respectfully requested that the Power of Attorney previously filed be accepted and the requirement of the Certificate under 37 C.F.R. 3.73(b) indicated in the Notice be vacated.

Should any other issues or questions exist with this matter, it is respectfully requested that the undersigned attorney be contacted.

Respectfully submitted,

Edward W. Grolz
Registration No. 33,705

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza – Suite 300
Garden City, New York 11530
(516) 742-4343

EWG:eh

-COPY-

DOCKET NO. 20741

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD FOR SECTIONING WITH A SECTION SWITCH A MEDIUM-VOLTAGE ELECTRIC POWER DISTRIBUTION LINE EXHIBITNG A DISTURBANCE, SECTION SWITCH FOR MEDIUM-VOLTAGE ELECTRIC POWER DISTRIBUTION LINE APPLICABLE THEREON AND ELECTRONIC CIRCUIT FOR DETECTING A FAULT CURRENT AND COMPRISED BY SAID SECTION SWITCH

the specification of which

(check one)

[ ] is attached hereto.

[x]was filed on May 11, 2005 as ~~a United States Application No. or~~ PCT International Application Serial No. PCT/BR2005/000078
and was amended on _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37 Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 (a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

Number	Country	Date of Filing Day/Month/Year	Priority Claimed Under 35 U.S.C. 119
P20040102767	Argentina	03/08/2004	X YES NO
			YES NO
			YES NO

I hereby claim the benefit under Title 35, United States Code, Section119(e) of any United States provisional application(s) listed below:

(Application Number) (Filing Date)

(Application Number) (Filing Date)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No. Filing Date Status

Application Serial No. Filing Date Status

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

CUSTOMER NO. 00272

Address all telephone calls to Leopold Presser at telephone no. 516-742-4343

Address all correspondence to Leopold Presser, Scully, Scott, Murphy & Presser, 400 Garden City Plaza, Suite 300, Garden City, New York 11530

1st inventor

Full name of sole or first inventor Jorge Cavanna	
Sole or first inventor's signature	**Date** June 6th, 2008
Residence Pte. Santiago Derqui 4770/55 - (1605) - Munro, Bs. As. Argentina	
Citizenship Argentina	
Post Office Address Pte. Santiago Derqui 4770/55 - (1605) - Munro, Bs. As, Argentina Same as above	

2nd inventor

Full name of second inventor Javier Cavanna	
Second inventor's signature	**Date** June 6th, 2008
Residence Pte. Santiago Derqui 4770/55 - (1605) - Munro, Bs. As, Argentina	
Citizenship Argentina	
Post Office Address Pte. Santiago Derqui 4770/55 - (1605) - Munro, Bs. As, Argentina. Same as above	

****
*** RX REPORT ***
****

RECEPTION OK

TX/RX NO	6403
RECIPIENT ADDRESS	5167424366
DESTINATION ID	
ST. TIME	09/15 10:50
TIME USE	01'10
PGS.	6
RESULT	OK

2 4 JUN 2008

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

In re Application of	:	
POIGNANT, et al.	:	DECISION ON PETITION
Serial No.: 11/659,337	:	
PCT No.: PCT/FR05/02049	:	UNDER 37 CFR 1.47(b)
Int. Filing Date: 05 August 2005	:	
Priority Date: 06 August 2004	:	
Atty Docket No.: 131212	:	
For: DEVICE FOR INJECTING LIQUID PRE-	:	
CURSORS INTO A CHAMBER IN PULSED	:	
MODE WITH MEASUREMENT AND CONTROL	:	
OF THE FLOWRATE	:	

This decision is in response to the "Petition to Accept Application Under 37 C.F.R. §1.47(b)" filed 13 February 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 05 August 2005, applicant filed international application PCT/FR05/02049 which claimed priority to an earlier U.S. application filed 06 August 2004. A copy of the international application was transmitted to the United States by the International Bureau (IB) on 02 March 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 06 February 2007.

On 05 February 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment; an English translation of the international application; an information disclosure statement and an application data sheet. An executed oath or declaration as required by 35 U.S.C. 371 (c)(4) was not filed.

On 13 September 2007, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. In addition, applicant was notified of the need to provide a surcharge of $130.00 for filing the oath or declaration later than the appropriate 20 or 30 months from the earliest priority date. (37 CFR 1.492(e)). Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 13 February 2008, applicant responded with the present petition accompanied by a

petition for a three-month extension of time and payment of the extension of time fee. The petition is therefore considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(h); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant has satisfied items (1)-(4), and (6).

As to item (5), applicant has not provided proof of proprietary interest. Applicant has not provided a signed assignment document. MPEP 409.03(f) provides for cases where a signed assignment is not present:

> A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

In his declaration Mr. Pellegrin states that under French law, the rights to the invention belong to Qualiflow-Therm, however, it does not appear that Mr. Pellegrin is an attorney at law, but is instead merely stating his understanding of the relevant statutes.

As to the responsibilities of the inventors under their employment contracts, MPEP 409.03(f) explains that in cases where an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b):

> a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

Mr. Pellegrin's declaration is silent as to his firsthand knowledge of the circumstances in

which the conditions of the employment agreements have been satisfied. This appears to be the issue that the inventors are raising in their refusal to execute the declarations and assignment documents.

Applicant has not satisfied this item.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
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Tel: 571-272-3294
Fax: 571-273-0459

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11 MAR 2009

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P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
POIGNANT, et al.	:	DECISION ON RENEWED
Serial No.: 11/659,337	:	
PCT No.: PCT/FR05/02049	:	PETITION UNDER
Int. Filing Date: 05 August 2005	:	
Priority Date: 06 August 2004	:	37 CFR 1.47(b) AND
Atty Docket No.: 131212	:	
For: DEVICE FOR INJECTING LIQUID PRE-	:	PETITION UNDER
CURSORS INTO A CHAMBER IN PULSED	:	
MODE WITH MEASUREMENT AND CONTROL	:	37 CFR 1.181
OF THE FLOWRATE	:	

This decision is in response to the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT - ABANDONMENT SENT IN ERROR" and "RENEWED PETITION UNDER 37 CFR 1.47(b)" filed 26 January 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 24 June 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(b) to proceed without the signatures of the inventors. Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 14 January 2009, applicant was mailed a "Notice of Abandonment" (Form PCT/DO/EO/909) indicating that the above-captioned application was abandoned as to the U.S. National stage for failure to timely respond to the decision mailed 24 June 2008.

On 26 January 2009, applicant responded a petition to withdraw the holding of abandonment and the present renewed petition under 37 CFR 1.47(b) accompanied by a petition for a five-month extension of time and payment of the extension of time fee. 24 January 2009 being a Saturday the renewed petition under 37 CFR 1.47(b) is therefore considered timely filed.

DISCUSSION

I. Petition Under 37 CFR 1.181

A review of the application file finds that applicant is correct that the Form PCT/DO/EO/909 abandoning the application in the U.S. National stage was mailed prematurely. The extendable period was not set to expire until 24 January 2009 (as shown above 26 January 2009 since 24 January 2009 was a Saturday).

II. Renewed Petition Under 37 CFR 1.47(b)

As detailed in the decision mailed 24 June 2008, a petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(h); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant previously satisfied items (1)-(4), and (6).

Applicant has presently filed a declaration executed by the four inventors listed on the published international application. The declaration complies with 37 CFR 1.497(a)-(b) and therefore the renewed petition under 37 CFR 1.47(b) is dismissed as moot.

CONCLUSION

As explained above, applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

For the reasons stated above, applicant's petition under 37 CFR 1.47(b) is **DISMISSED** as moot.

The Form PCT/DO/EO/909 mailed 14 January 2009 is hereby **VACATED**.

The application has an international filing date of 05 August 2005 under 35 U.S.C. 363 and will be given a date of **26 January 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
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Fax: 571-273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/28/2010

Applicant	: Fabrice Ramella	: DECISION ON REQUEST FOR
Patent Number	: 7669561	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/659,378	: OF WYETH
Filed	: 10/09/2007	:
		:

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

2 9 AUG 2008

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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	:	
MELDAHL et al.	:	
Application No.: 11/659,383	:	
PCT No.: PCT/GB05/03038	:	DECISION ON RESPONSE
Int'l Filing Date: 04 August 2005	:	
Priority Date: 04 August 2004		
Attorney Docket No.: 1101.157US01	:	
For: METHOD AND APPARATUS FOR	:	
STUDYING SURFACE VIBRATIONS BY	:	
MOVING SPECKLE INTERFEROMETER		

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371 for consideration of applicant's "Petition Under [37 CFR] 1.182 regarding Clarification of Priority Claim."

On 05 February 2007, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 11/659,383. However the international application **PCT/GB05/03038** indicated on the accompanying declaration and amendments to the specification differs from the PCT application number **PCT/FR05/03038** on the transmittal letter.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/GB05/03038 on the national stage papers filed on 05 February 2007 is GRANTED. The $400 petition fee will be charged to applicant's deposit account per his authorization.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for processing in accord with this decision. The USPTO records will identify the present application as a national stage of PCT/GB05/03038.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571)272-3286
Facsimile: (571)273-0459

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2 7 DEC 2007

IPHORGAN LTD.
1130 LAKE COOK ROAD
SUITE 240
BUFFALO GROVE, IL 60089

In re Application of	:	
DUFF	:	
Application No.: 11/659,397	:	
PCT No.: PCT/AU05/00996	:	DECISION ON PETITION
Int. Filing Date: 07 July 2005	:	
Priority Date: 30 July 2004	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: PMA 0007 US	:	
For: ADJUSTABLE MOUNT FOR FLAT PANEL	:	
DISPLAYS	:	

This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) filed 02 February 2007 in the United States Patent and Trademark Office (USPTO). The petition is hereby **DISMISSED** as follows:

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required). Applicant has satisfied items 1 and 3. Item 4 does not apply.

Regarding item (2), while applicant provided payment of the $750.00 petition fee at the time of filing, $350.00 was refunded to applicant's credit card on 31 May 2007. A review of the application file finds that deposit account authorization has not been given, as such it is not possible to charge the remainder of the petition fee nor grant the petition at this time.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

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

Derek A. Putonen
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UNITED STATES PATENT AND TRADEMARK OFFICE

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30 JAN 2008

IPHORGAN LTD.
1130 LAKE COOK ROAD
SUITE 240
BUFFALO GROVE, IL 60089

In re Application of	:	
DUFF	:	
Application No.: 11/659,397	:	
PCT No.: PCT/AU05/00996	:	DECISION ON PETITION
Int. Filing Date: 07 July 2005	:	
Priority Date: 30 July 2004	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: PMA 0007 US	:	
For: ADJUSTABLE MOUNT FOR FLAT PANEL	:	
DISPLAYS	:	

The renewed petition to revive under 37 CFR 1.137(b) filed 09 January 2008 in the above-captioned application, and supplemented on 29 January 2008 is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the remainder of the petition fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a compliant, executed oath or declaration of the inventor is required.

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3 1 MAR 2008

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William M Dixon
Patent Department
Deere & Company

1 John Deere Place
Moline IL 61265

In re Application of	:	
Martinez et al.	:	
Application No.: 11/659,416	:	
PCT No.: PCT/EP05/53701	:	
Int. Filing Date: 28 July 2005	:	DECISION
Priority Date: 03 August 2004	:	
Attorney Docket No.: 09396W-US	:	
For: Transmission Arrangement	:	

This is in response to the correspondence filed on 28 August 2007.

DISCUSSION

This international application was filed on 28 July 2005 and claimed a priority date of 03 August 2004. The United States was designated. The International Bureau published the international application on 09 February 2006. The thirty month period for payment of the basic national fee in the United States expired as of midnight on 05 February 2007 (since 03 February 2007 was a Saturday). On 05 February 2007, applicants filed *inter alia* the basic national fee.

On 11 July 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and $50.00 in claims fees.

DISCUSSION

Inspection of the declaration of the inventors filed on 28 August 2007 reveals that it nominates "Monica Gil" and "Francisco Rueda" in place of "MARTINEZ, Monica Gil" and "ORTEGA, Francisco Rueda" named in the published international application. It appears that the inventors may have considered the names appearing on the declaration to be correct, in that the declaration was in fact executed; however, this discrepancy has not been explained. In that this is clearly more than a mere typographic error or phonetic misspelling of applicant's name, a proper petition under 37 CFR 1.182 (including the requisite $400.00 petition fee) is required to resolve the discrepancy in the nominated inventive entity in order for the declaration filed on 28 August 2007 to be accepted. *See* MPEP §§ 605.04(b) and 605.04(c). Alternatively, applicants may wish to seek relief under 37 CFR 1.497(d) in the event that the inventive entity is sought to be changed.

DECISION

The declaration filed 28 August 2007 is **NOT ACCEPTED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT** of this application with respect to the national stage in the United States.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration

/George Dombroske/
George Dombroske
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2 3 JUN 2008

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William M Dixon
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1 John Deere Place
Moline IL 61265

In re Application of	:	
Gil et al.	:	
Application No.: 11/659,416	:	
PCT No.: PCT/EP05/53701	:	
Int. Filing Date: 28 July 2005	:	DECISION
Priority Date: 03 August 2004	:	
Attorney Docket No.: 09396W-US	:	
For: Transmission Arrangement	:	

This is in response to the petition under 37 CFR 1.182 filed on 22 May 2008.

DISCUSSION

In a Decision mailed on 31 March 2008, the declaration filed on 28 August 2007 was not accepted, without prejudice, because

> inspection of the declaration of the inventors filed on 28 August 2007 reveals that it nominates "Monica Gil" and "Francisco Rueda" in place of "MARTINEZ, Monica Gil" and "ORTEGA, Francisco Rueda" named in the published international application. It appears that the inventors may have considered the names appearing on the declaration to be correct, in that the declaration was in fact executed; however, this discrepancy has not been explained.

In response, applicants have filed the instant petition, which explains that

> The reason for the discrepancy is that in many Spanish speaking countries it is common for individuals to have two family names or surnames. The first family name, or surname, is typically a paternal one, being inherited from the father's family name, while the second family name is a maternal one being inherited from the mother's paternal family name. Common usage in these countries permits the use of both paternal and maternal surnames, or just the first (paternal) surname, and in many business contexts it is common practice to use just the first name and paternal surname without the maternal surname. In this instance the published international application listed the inventors by their first name and both their paternal and maternal surnames, while the declaration listed the inventors using their first name and only the paternal surname. Hence, Monica Gil Martinez named in the published international application is named Monica Gil in the declaration with the maternal surname "Martinez" having been dropped. Likewise Francisco Rueda Ortega named in the published international application was shortened simply to Francisco Rueda in the declaration. It is clear that the inventors have considered the names appearing on the declaration to be correct in that the declaration was in fact executed.

Although petitioner has provided this explanation of the reason for the discrepancy in the inventors' names, it would be appropriate to provide statements by the inventors themselves attesting that they, as the individuals executing the declaration, are in fact the same inventors nominated in the published international application, and indicating that both versions of each name refer to the same person.

DECISION

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT** of this application with respect to the national stage in the United States.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration

/George Dombroske/
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2 8 AUG 2008

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Patent Department
Deere & Company
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Moline IL 61265

In re Application of	:	
Gil et al.	:	
Application No.: 11/659,416	:	
PCT No.: PCT/EP05/53701	:	
Int. Filing Date: 28 July 2005	:	DECISION
Priority Date: 03 August 2004	:	
Attorney Docket No.: 09396W-US	:	
For: Transmission Arrangement	:	

This is in response to the renewed petition under 37 CFR 1.182 filed on 18 August 2008.

DISCUSSION

In a Decision mailed on 23 June 2008, the declaration filed on 28 August 2007 was not accepted, without prejudice, because petitioner had not provided appropriate statements from the inventors whose names appeared differently on the declaration than in the published international application.

In response, the renewed petition is accompanied by statements from Monica Gil Martinez and Francisco Rueda Ortega confirming their signatures of the declaration and attesting that both versions of their respective names in fact do refer to themselves. In view of the totality of the evidence now of record, it would be appropriate to accept the names Monica Gil and Francisco Rueda as they appear on the declaration filed on 28 August 2007.

DECISION

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

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **28 August 2007**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
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UNITED STATES PATENT AND TRADEMARK OFFICE

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Abelman Frayne & Schwab
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In re Application of	:	
MEYN, Matthias et al.	:	
Application No.: 11/659,430	:	DECISION
PCT No.: PCT/EP2005/012953	:	
Int. Filing Date: 02 December 2005	:	ON PETITION UNDER
Priority Date: 04 December 2004	:	
Docket No.: 207,736	:	37 CFR 1.10(c)
For: METHOD AND INSTALLATION FOR	:	
THE PRODUCTION OF SECONDARY	:	
STEEL BASED SCRAP	:	

This decision is in response to applicant's "Petition Under 37 C.F.R. §1.10(c) to Correct Filing Date," filed in the United States Patent and Trademark Office on 26 February 2007.

BACKGROUND

On 02 December 2005, applicant filed international application PCT/EP2005/012953, claiming a priority date of 04 December 2004. A copy of the international application was transmitted to the Office by the International Bureau on 08 June 2006. The thirty month period for paying the basic national fee expired at midnight on 04 June 2006.

Applicant filed a transmittal letter for entry into the national stage in the United States, accompanied by, *inter alia*, the basic national fee. It was accorded a receipt date of 05 February 2007.

On 26 February 2007, applicant filed this petition to correct the receipt date.

DISCUSSION

In this petition, applicant requests that the receipt date of application No. 11/659,430 be amended to 31 January 2007. Though the "date in" field on the Express Mail label is illegible, the Express Mail mailing label bears a postmark reading "31 January 2007". The requirements for a petition to correct a receipt date based on Express Mail records are set forth in 37 CFR 1.10(c). The section states as follows:

> (c) 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.

Items (1), (2) and (3) have been met. The petition was filed promptly. The Express Mail mailing label number was listed on the correspondence. Applicant has furnished a copy of the Express Mail mailing label, bearing the USPS postmark and a letter from USPS indicating that the postmark is the "date in". Additionally, USPS records indicate the package was first scanned into the system on 31 January 2007.

The declaration provided by applicant is a foreign language declaration, but it is not a USPTO form and is not accompanied by a statement that the English text is an accurate translation of the foreign text. See 37 CFR 1.69. A statement that the English text is an accurate translation of the German or a new declaration is required.

CONCLUSION

For the reasons listed above, applicant's petition under 37 CFR 1.10(c) to correct the receipt date of the filing to 31 January 2007 is **GRANTED**.

Applicant is required to comply with 37 CFR 1.69 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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In re Application of MEYN, Matthias et al. Application No.: 11/659,430 PCT No.: PCT/EP2005/012953 Int. Filing Date: 02 December 2005 Priority Date: 04 December 2004 Docket No.: 207,736 For: METHOD AND INSTALLATION FOR THE PRODUCTION OF SECONDARY STEEL BASED SCRAP	DECISION ON PETITION UNDER 37 CFR 1.10(c)

This decision is in response to applicant's renewed submission filed in the United States Patent and Trademark Office on 28 August 2007.

BACKGROUND

On 23 August 2007, the Office mailed Decision On Petition Under 37 CFR 1.10(c) granting applicant's request for a corrected receipt date for national phase paperwork, but requiring either a new oath or declaration or a statement under 37 CFR 1.69.

On 28 August 2007, applicant supplied a statement under 37 CFR 1.69 that the foreign language text of the declaration was a translation of the English language text in the declaration.

DISCUSSION

The declaration provided by applicant is a foreign language declaration, but it is not a USPTO form. Applicant has now provided a statement that the English text is an accurate translation of the foreign text. See 37 CFR 1.69.

CONCLUSION

The application complied with 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) on 31 January 2007. This application has been referred to the National Phase Processing Branch of the Division of PCT Operations for further processing.

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In re Application of: BERTINI, Ivano, et al. U.S. Application No.: 11/659,431 PCT No.: PCT/EP2005/053722 International Filing Date: 29 July 2005 Priority Date: 03 August 2004 Atty Docket No.: 208,060 For: Derivatives Of Arylsulfonamido-Substituted Hydroxamic Acid As Matrix Metalloproteinases Inhibitors	DECISION ON PETITION TO CORRECT FILING DATE (37 CFR 1.10(c))

This decision is issued in response to the "Petition Under 37 CFR 1.10(c) To Correct Filing Date" filed 26 February 2007. No petition fee is required.

BACKGROUND

On 29 July 2005, applicants filed international application PCT/EP2005/053722. The application claimed a priority date of 03 August 2004, and it designated the United States. On 09 February 2006, the International Bureau (IB) communicated a copy of the international application was communicated to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 05 February 2007 (03 February 2007 was a Saturday).

In February 2007, applicants filed via "Express Mail" a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee. The USPTO assigned the submission a filing date of 05 February 2007.

On 26 February 2007, applicants filed the petition considered herein. The petition asserts that the proper filing date for the national stage filing is 01 February 2007.

DISCUSSION

Applicants assert that the materials filed to initiate the present national stage application were deposited with the USPS as "Express Mail" on 01 February.

The submission initiating this national stage application included a transmittal letter containing a statement of filing by "Express Mail" that identified the "Express Mail" label number (ER059677882US) and the deposit date (01 February 2007). The present petition

includes a copy of the customer receipt for "Express Mail" label number ER059677882US; the "date in" on this copy is illegible, but the label bears a legible USPS stamp dated 01 February 2007. In addition, the USPS online tracking database confirms that the USPS accepted this "Express Mail" envelope on 01 February 2007.

Based on applicants' statements in the present petition, the listing of the "Express Mail" label number on the filed transmittal letter, the USPS date stamp on the "Express Mail" label, and the USPS tracking data, it is concluded that the materials filed by applicant to initiate the present national stage application (including payment of the basic national feet) were deposited with the USPS as "Express Mail" on 01 February 2007. Pursuant to 37 CFR 1.10(c), these materials are properly accorded a filing date of 01 February 2007. This date is prior to the expiration of thirty months from the priority date.

CONCLUSION

Applicant's petition under 37 CFR 1.10(c) is **GRANTED**.

The correspondence initiating the present international application, including the basic national fee, is treated as having been filed on 01 February 2007.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including correcting USPTO records to properly identify the filing date of the basic national fee and accompanying materials as 01 February 2007. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 01 February 2007.

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31 JUL 2007

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In re Application of	:	
LUMB, Kevin et al.	:	DECISION ON
Application No.: 11/659,434	:	
PCT No.: PCT/US05/24951	:	
Int. Filing Date: 13 July 2005	:	PETITION
Priority Date: 13 July 2004	:	
Attorney's Docket No.: 5210	:	
For: Aprotinin Variants	:	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 02 February 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant filed on 02 February 2007 the required petition fee, the basic national fee, the national stage search and examination fees and the additional claims fee.

The request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

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Todd Juneau
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In re Application of	:	
BURIONI, Roberto	:	
Application No.: 11/659,460	:	DECISION
PCT No.: PCT/IT2005/000488	:	
Int. Filing Date: 09 August 2005	:	ON PETITION UNDER
Priority Date: 10 August 2004	:	
Docket No.: Des-Bur-97312	:	37 CFR 1.137(b)
For: COMPLEX ABLE TO DETECT AN	:	
ANALYTE, METHOD FOR ITS	:	
PREPARATION AND USES THEREOF	:	

This is a decision on applicant's Petition Under 37 CFR 1.137(b), filed in the above-captioned application on 04 July 2007.

BACKGROUND

On 05 February 2007, applicant filed a transmittal letter for entry into the national phase for international application PCT/IT2005/000488, filed on 09 August 2005, claiming a priority date of 10 August 2004. The deadline for payment of the basic national fee was 10 February 2007.

On 07 May 2007, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to pay the basic national fee by thirty months.

On 04 July 2007, applicant filed this Petition Under 37 CFR 1.137(b), accompanied by a request for continued examination.

DISCUSSION

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

Items (1), (3) and (4) were have been satisfied.

Item (2) has not been satisfied. Applicant has supplied the basic national fee, but also supplied a Request for Continued Examination (RCE) indicating it was a "Request to resume 371 National Entry of PCT/IT05/00488." The submission of an RCE is a request to create a filing under 35 USC 111a. Such a request is incompatible with the filing of a national phase under 35 USC 371. Clarification of applicant's intent is required.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

The application remains **ABANDONED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

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0 2 MAY 2008

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Todd Juneau
2506 Clay Street
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In re Application of	:	
BURIONI, Roberto	:	
Application No.: 11/659,460	:	DECISION
PCT No.: PCT/IT2005/000488	:	
Int. Filing Date: 09 August 2005	:	ON PETITION UNDER
Priority Date: 10 August 2004	:	
Docket No.: Des-Bur-97312	:	37 CFR 1.137(b)
For: COMPLEX ABLE TO DETECT AN	:	
ANALYTE, METHOD FOR ITS	:	
PREPARATION AND USES THEREOF	:	

Applicant's renewed Petition Under 37 CFR 1.137(b), filed in the above-captioned application on 05 March 2008 is **GRANTED**.

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

A signed oath or declaration has not yet been submitted. The search fee, examination fee, and fee for late filing of the search fee, examination fee or oath or declaration is required.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or oath or declaration are required.

/Erin P. Thomson/

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SUITE 305
ALEXANDRIA, VA 22301

COPY MAILED
FEB 01 2010

In re Application of	:	
BURIONI, Roberto	:	
Application No. 11/659,460	:	DECISION ON PETITION
Filed: April 22, 2009	:	TO WITHDRAW
Attorney Docket No. **DSP/BAIT/09.01**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 03, 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 JUNEAU PARTNERS has been revoked by the applicant of the patent application on December 22, 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/
Petitions Examiner
Office of Petitions

cc: **LAW OFFICE OF KENNETH K. SHARPLES**
SENA PLAZA SUITE 54
125 EAST PALACE AVE.
SANTA FE NM 87501

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

In re Application of	:	
TREICHEL, Oliver, et al.	:	
Application No.: 11/659,550	:	DECISION ON
PCT No.: PCT/EP2005/007836	:	
Int. Filing Date: 19 July 2005	:	REQUEST
Priority Date: 06 August 2004	:	
Att. Docket No.: TREICHEL ET AL-1 PCT	:	UNDER 37 CFR 1.42
For: IRRADIATION UNIT	:	

This decision responds to applicants' submission of a declaration of the inventors on 01 August 2007, containing an indication that joint inventor Joachim Jung is deceased. The declaration has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 19 July 2005, applicants filed international application PCT/EP2005/007836, claiming a priority date of 06 August 2004. A copy of the international application was transmitted to the Office by the International Bureau on 16 February 2006. The deadline for submitting the basic national fee to prevent abandonment of the international application as to the United States expired at midnight of 06 February 2007.

On 06 February 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 01 August 2007, applicants filed a declaration of the inventors and the fee for late filing of the search fee, examination fee or the oath or declaration.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 C.F.R. 1.42.

The declaration provided does not state that the heirs, Stefan Jung, Melanie Niemann and Carsten Jung, are the sole heirs of the deceased joint inventor, Joachim Jung. If a legal representative has been or is required to be appointed under applicable law, such person must

sign the declaration and indicate the relationship, e.g., "legal representative of inventor Joachim Jung." Otherwise, all heirs of Joachim Jung must sign the declaration and indicate the relationship, *e.g.*, "sole heirs of Joachim Jung," or "legal representative of Joachim Jung." The indication that the heirs are joint heirs leaves open the possibility that there are other non-signing joint heirs. If the listed heirs are the sole heirs and are signing the declaration as the legal representative of the estate of Joachim Jung, a statement to that effect will be sufficient.

CONCLUSION

For the above reasons, the request for status under 37 C.F.R. 1.42 is **REFUSED**.

Applicants are required to submit an oath or declaration in compliance with 37 C.F.R. 1.497 and 1.42 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 C.F.R. 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

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In re Application of	:	
TREICHEL, Oliver, et al.	:	
Application No.: 11/659,550	:	DECISION ON
PCT No.: PCT/EP2005/007836	:	
Int. Filing Date: 19 July 2005	:	REQUEST
Priority Date: 06 August 2004	:	
Att. Docket No.: TREICHEL ET AL-1 PCT	:	UNDER 37 CFR 1.42
For: IRRADIATION UNIT	:	

This decision responds to applicants' renewed submission under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 29 November 2007.

BACKGROUND

On 02 November 2007, the Office mailed Decision On Request Under 37 CFR 1.42, refusing applicants' request for status.

On 29 November 2007, applicants filed a renewed submission under 37 CFR 1.42.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 C.F.R. 1.42.

The declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.42. The declaration lists the inventors and their citizenships and the sole heirs and the heirs' citizenships, residences and postal addresses. See 37 CFR 1.497. The submission of a declaration executed by the "sole heirs" is construed to mean that a legal representative has not been or is one required to be appointed under applicable law, and that the sole heirs are acting in the capacity of a legal representative of the deceased. If a legal representative has been appointed or is required to be appointed, such person must execute the oath or declaration.

CONCLUSION

For the above reasons, the request for status under 37 C.F.R. 1.42 is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. This application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 01 August 2007.

/Erin P. Thomson/

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MAILED

JUL 08 2010

OFFICE OF PETITIONS

In re Application of

Victor J. Bauer
Application No. 11/659,582
Filed: February 7, 2007
Attorney Docket No. CPHARM 3.3-002

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 May 26, 2010, 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 applicant's representative that he is in possession of proof of applicant's age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 1612 for action on the merits commensurate with this decision.

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

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TROUTMAN SANDERS LLP
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In re Application of SIDHU et al. Application No.: 11/659,583 PCT No.: PCT/US05/16080 Int. Filing: 09 May 2005 Priority Date: 07 May 2004 Attorney Docket No.: OX11.PCT For: METHODS AND COMPOSITIONS FOR REDUCING OXALATE CONCENTRATIONS	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 06 February 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $150 has now been provided. The required petition fee of $750 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the $130 surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz

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UNITED STATES PATENT AND TRADEMARK OFFICE

2 3 MAY 2008

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ATLANTA GA 30308

In re Application of SIDHU et al. Application No.: 11/659,583 PCT No.: PCT/US05/16080 Int. Filing: 09 May 2005 Priority Date: 07 May 2004 Attorney Docket No.: OX11.PCT For: METHODS AND COMPOSITIONS FOR REDUCING OXALATE CONCENTRATIONS	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.47(a)

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 19 March 2008, to accept the application without the signature of joint inventor, Clarence Lee.

BACKGROUND

On 06 February 2007, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 16 January 2008, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) was required.

On 19 March 2008, applicant filed the instant petition along with a declaration, executed by the joint inventor on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor, Clarence Lee alleging that Dr. Lee refuses to sign the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the nonsigning joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the nonsigning inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the nonsigning joint inventor(s).

The petition included the requisite petition fee satisfying Item (1). Item (3) is satisfied because the last known address of the nonsigning inventor was provided. With regard to item (4), the declaration executed by the available joint inventor on his behalf and on behalf of the nonsigning inventor was submitted and is in compliance with 37 CFR 1.497(a) and (b). Thus,

Item (4) is satisfied.

With respect to Item (2)[1] above, Petitioner provided a first hand statement of facts from Mary Anthony Merchant, Counsel for co-inventor Harmeet Sidhu, in support of the petition under 37 CFR 1.47(a). According to Dr. Merchant, on 05 December 2007 and again on 29 January 2008, she sent Dr. Lee, at his last known address, a package containing a copy of the application, Declaration and Power of Attorney and assignment documents for his signature via Federal Express. The "FedEx" track shipment statements for both dates indicate that the package was "left at front door. Package delivered to recipient address".

From the evidence presented, it is unclear that inventor Lee was presented with a copy of the application papers, including *specification, claims and drawings* and declaration. What is required is that Dr. Lee be presented with a copy of all of the national stage application papers (oath and declaration, specification, including claims and drawings) for this application. Such is required before it can be concluded that the inventor refuses to sign. 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. Thus, it cannot be concluded that Dr. Lee refused to sign the application at issue here as the evidence does not support such conclusion. See MPEP Section 409.03 for further details in the preparation of a renewed petition under 37 CFR 1.47(a).

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[1] Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal, states, in pertinent part:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or , if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.... *It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. .
>
> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

(Emphasis added.)

Petitioner has failed to demonstrate that the nonsigning inventor actually received the application papers. It is apparent from Dr. Merchant's 05 December 2007 letter to Dr. Lee that she has been in contact with him. It is unclear from her statement that the delivery address is the correct address for Dr. Lee or that Dr. Merchant made any further contact with Dr. Lee after the attempted delivery of the application papers to discern if Dr. Lee was willing to sign the application papers. Further details or evidence showing that Dr. Lee actually received the application papers and refuses to sign them is necessary.

In sum, Petitioner has satisfied Items (1), (3) and (4) above. Petitioner has not satisfied Item (2) by demonstrating: (1) Dr. Lee was presented with a *copy of the application papers for U.S. application 11/659,583 (specification, including claims, drawings, and declaration)* to the nonsigning inventor for his signature and (2) Dr. Lee's refusal to sign, either in writing or by telephone, these documents. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Cynthia M. Kratz
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Office of PCT Legal Administration

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UNITED STATES PATENT AND TRADEMARK OFFICE

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2 3 JUL 2008

TROUTMAN SANDERS LLP
600 PEACHTREE STREET , NE
ATLANTA GA 30308

In re Application of SIDHU et al. Application No.: 11/659,583 PCT No.: PCT/US05/16080 Int. Filing: 09 May 2005 Priority Date: 07 May 2004 Attorney Docket No.: OX11.PCT For: METHODS AND COMPOSITIONS FOR REDUCING OXALATE CONCENTRATIONS	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 12 June 2008, to accept the application without the signature of joint inventor, Clarence Lee.

BACKGROUND

On 06 February 2007, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 16 January 2008, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) was required.

On 19 March 2008, applicant filed a petition along with a declaration, executed by the joint inventor on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor, Clarence Lee alleging that Dr. Lee refused to sign the application.

On 23 May 2008, a decision dismissing the petition was mailed to applicant, indicating that the nonsigning inventor had not been presented with a copy of all national stage application papers including the oath or declaration.

On 12 June 2008, Petitioner filed a renewed petition.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the nonsigning joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the nonsigning inventor(s), and (4) an oath or declaration by each available joint inventor on his or

her own behalf and on behalf of the nonsigning joint inventor(s).

Items (1), (3), (4) were previously satisfied.

With respect to Item (2) above, Petitioner provided a first hand statement of facts from Mary Anthony Merchant, counsel for co-inventor Harmeet Sidhu, in support of the petition under 37 CFR 1.47(a). According to Dr. Merchant, on 09 June 2008, she sent Dr. Lee, at his email address, attachments containing a copy of the application, Declaration and Power of Attorney and assignment documents for his signature. On 10 June 2008, Dr. Lee replied by email, declining to execute the declaration and assignment documents. Copies of the respective emails were attached to the statement of facts. From the evidence presented, it is now clear that inventor Lee was presented with a copy of the application papers, including specification, claims and declaration and that the inventor refuses to sign.

In sum, Petitioner satisfied Items (1), (2), (3) and (4) above. Petitioner satisfied Item (2) by demonstrating: (1) Dr. Lee was presented with a copy of the application papers for U.S. application 11/659,583 (specification, including claims and declaration) to the nonsigning inventor for his signature and (2) Dr. Lee's refusal to sign the documents. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

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

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(a) application using the declaration filed 19 March 2008. The application has an international filing date of 09 May 2005 under 35 U.S.C. 363, and a date of 19 March 2008 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at their respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

Cynthia M. Kratz

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2 3 JUL 2008

DR. CLARENCE C. LEE
2694-4 LENOX ROAD
ATLANTA, GA 30324

In re Application of SIDHU et al. Application No.: 11/659,583 PCT No.: PCT/US05/16080 Int. Filing: 09 May 2005 Priority Date: 07 May 2004 Attorney Docket No.: OX11.PCT For: METHODS AND COMPOSITIONS FOR REDUCING OXALATE CONCENTRATIONS	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

Dear Dr. Lee:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

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

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571)272 -3286

TROUTMAN SANDERS LLP
600 PEACHTREE STREET , NE
ATLANTA GA 30308

25 JUN 2008

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

In re Application of	:	
NENYEI, et al.	:	
PCT No.: PCT/EP04/12181	:	DECISION ON PETITION
Application No.: 11/659,587	:	
Int. Filing Date: 28 October 2004	:	UNDER 37 CFR 1.47(a)
Priority Date: 13 August 2004	:	
Atty. Docket No.: AGXG-31-PCT-US	:	
For: METHOD FOR THE THERMAL TREATMENT	:	
OF DISK-SHAPED SUBSTRATES	:	

This decision is in response to applicant's "Petition Under 37 CFR Section 1.47" filed 11 April 2008 in the United States Patent and Trademark Office (USPTO). In addition, this decision incorporates applicant's "Supplemental Response to Notice to File Missing Parts" filed on 01 May 2008.

BACKGROUND

On 28 October 2004, applicant filed international application PCT/EP04/12181 which claimed priority to an earlier application filed 13 August 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 February 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 13 February 2007.

On 07 February 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 11 September 2007, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 11 April 2008, applicant filed the present petition under 37 CFR 1.47(a) to accept the filed declaration without the signature of joint inventor Steffen Frigge accompanied by a declaration executed by the remaining joint inventors and a petition for a five-month extension of time and payment of the appropriate extension of time fee. With the filing of the extension of

time petition and payment of the extension of time fee the response is considered timely filed.

On 01 May 2008, applicant filed a supplemental petition which included a declaration executed by inventor Frigge.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The petition filed 11 April 2008 was a proper and timely response to the Form PCT/DO/EO/905 mailed 11 September 2007. Applicant is advised that the petition fee for a petition under 37 CFR 1.47(a) is $200.00. Therefore, the remaining $70.00 of the petition fee will be charged to deposit account number 04-1403 as authorized. As noted above, applicant filed a declaration signed by inventor Frigge on 01 May 2008 and therefore the petition is dismissed as moot. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED as moot**.

The application has an international filing date of 28 October 2004 under 35 U.S.C. 363, and will be given a date of **01 May 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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United States Patent and Trademark Office

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

16 MAR 2007

In re Application of
Nefzi
Application No.: 11/659,596
PCT No.: PCT/TN05/00004
Int. Filing Date: 06 May 2005
Priority Date: 10 August 2004
Attorney Docket No.: 208,075
For: Method For Producing Triangular Elements Designed For The Manufacture Of Structures And Resulting Triangular Elements

DECISION ON PETITION

This is a decision on applicant's petition under 37 CFR 1.10(c) filed on 26 February 2007.

BACKGROUND

This international application was filed on 06 May 2005, claimed a priority date of 10 August 2004, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 16 February 2006. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 12 February 2007 (since 10 February 2007 was a Saturday). On 06 February 2007, applicants filed *inter alia* the basic national fee.

DISCUSSION

Petitioner requests that "this application" (i.e, correspondence including the Transmittal Letter, English translation, declaration, and fees including the basic national fee) be accorded a filing date of 05 February 2007, rather than the date of 06 February 2007 recorded in the records of the USPTO. Petitioner makes this request on the basis of Express Mail evidence, including a copy of an Express Mail mailing label allegedly showing a "date-in" of 05 February 2007.

Under 37 CFR 1.10(c), where a discrepancy can be shown between the filing date accorded to correspondence by the USPTO and the date of deposit as shown as the "date-in" on the "Express Mail" mailing label or other USPS notation, the Commissioner may be petitioned to accord the correspondence a filing date as of the "date-in" or other official USPS notation. The instant petition complies with 37 CFR 1.10(c)(1).

The petition complies with 37 CFR 1.10(c)(2) because an Express Mail mailing label number, ER059677905US, was recorded on the Transmittal Letter which accompanied and itemized the filing of the correspondence in controversy.

With regard to 37 CFR 1.10(c)(3), counsel has provided a copy of the Customer Copy of an Express Mail mailing label, appearing to be number ER059677905US. However, the "date-in" entered thereon is not legible, and the mailing label shows no other legible date entered by the USPS. Therefore, the requirements of 37 CFR 1.10(c)(3) have not been satisfied at this time.

It is noted that the petition has not been treated under 37 CFR 1.10(d) because counsel has not specifically and clearly alleged that the "date-in" or other official notation was incorrectly

entered or omitted by the USPS, and because it is not clear from the Express Mail label itself whether the "date-in" was omitted. It is also noted that the letter from Mr. Catanzaro of the USPS does not attest to the particular "date-in" of the specific Express Mail parcel at issue.

CONCLUSION

The petition is **DISMISSED**, without prejudice.

Any response must be filed within **TWO (2) MONTHS** from the mailing date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any such reply should be entitled "Renewed Petition Under 37 CFR 1.10."

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the correspondence to the attention of the Office of PCT Legal Administration.

George Dombroske
PCT Legal Examiner
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Fax: (571) 273-0459

United States Patent and Trademark Office

Commissioner for Patents
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666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

02 MAY 2007

In re Application of	:	
Nefzi	:	
Application No.: 11/659,596	:	DECISION
PCT No.: PCT/TN05/00004	:	
Int. Filing Date: 06 May 2005	:	ON
Priority Date: 10 August 2004	:	
Attorney Docket No.: 208,075	:	PETITION
For: Method For Producing Triangular Elements	:	
Designed For The Manufacture Of Structures	:	
And Resulting Triangular Elements	:	

This is a decision on applicant's "Request For Reconsideration" filed on 30 March 2007, which is being treated under 37 CFR 1.10(c)

DISCUSSION

In a Decision mailed on 16 March 2007, the petition filed on 26 February 2007 was treated under 37 CFR 1.10(c), and was dismissed without prejudice because

> With regard to 37 CFR 1.10(c)(3), counsel has provided a copy of the Customer Copy of an Express Mail mailing label, appearing to be number ER059677905US. However, the "date-in" entered thereon is not legible, and the mailing label shows no other legible date entered by the USPS. Therefore, the requirements of 37 CFR 1.10(c)(3) have not been satisfied at this time.

In response, petitioner now presents a copy of the "Customer Copy" of "Express Mail" mailing label no. ER059677905US showing a USPS plug stamp dated "FEB 5 2007." Petitioner also provides a copy of a USPS receipt showing that postage was paid for the "Express Mail' parcel in question on "02/05/2007," as well as a copy of the corresponding USPS "Track & Confirm" web page, showing "Acceptance" of the instant "Express Mail" parcel on "February 05, 2007." This evidence clearly satisfies the requirements of 37 CFR 1.10(c)(3); therefore, it would now be appropriate to grant the requested relief.

CONCLUSION

The petition is **GRANTED**.

It is noted that the English translation of the international application filed on 05 February 2007 is defective because it includes 7 claims, whereas the published international application included 8 claims.

This application is being returned to the National Stage Processing Branch for further processing, including (1) updating the electronic records of the USPTO to show a date of 05 February 2007 for the "Transmittal Letter... Under 35 U.S.C. 371" and accompanying

correspondence previously accorded a date of "02-06-2007," and (2) the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of a proper English translation of the international application and the processing fee under 37 CFR 1.492(i).

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OSHA LIANG L.L.P.
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HOUSTON TX 77010

COPY MAILED
DEC 04 2008

Applicant: Geva, et al.
Appl. No.: 11/659,626
International Filing Date: August 8, 2005
Title: A MULTI-STANDARD COMPLIANT CARD BODY
Attorney Docket No.: 09669/099001
Pub. No.: 2007/0252259 A1
Pub. Date: November 1, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on December 13, 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 **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

Inquiries relating to this matter may be directed to 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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Date Mailed: April 14, 2008

OSHA LIANG L.L.P.
1221 MCKINNEY STREET
SUITE 2800
HOUSTON TX 77010

Applicant: Froger et al.
Appl. No.: 11/659,627
Filing Date: August 8, 2005
Title: PROGRESSIVE UNPLUGGING MULTI-CARDS BODY
Attorney Docket No.: 09669/100001
Pub. No.: US 2007/0270039 A1
Pub. Date: November 22, 2007

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on February 12, 2008, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission.

Any questions or requests for reconsideration of the decision should be addressed as follows:

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

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

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Adjustment date: 04/15/2008  KKING1
02/13/2008 INTEFSW  00001628 11659627
01 FC:1504                      -300.00 OP
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Refund Ref:
04/15/2008            0030053953
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Credit Card Refund Total:      $300.00

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08 AUG 2007

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IRVINE CA 92614

In re Application of	:	
VISSER et al.	:	
Application No.: 11/659,629	:	DECISION
PCT No.: PCT/US2004/035724	:	
Int. Filing Date: 22 October 2004	:	
Priority Date: 22 October 2003	:	
Attorney Docket No.: SOFTM.014NP	:	
For: SYSTEM AND METHOD FOR	:	
SPECTRAL ANALYSIS	:	

This decision is in response to applicants' petition to revive under 37 CFR 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 07 February 2007.

BACKGROUND

On 22 October 2004, applicant filed international application PCT/US2004/035724, which designated the U.S. and claimed a priority date of 22 October 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 06 May 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 April 2006 (22 April 2006 being a Saturday).

On 07 February 2007, applicant filed, *inter alia*, a transmittal letter for entry into the national stage in the United States, and a petition to revive under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the U.S. Basic National Fee on 07 February 2007.

As to item (2), applicant submitted the petition fee on 07 February 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 24 2010

OFFICE OF PETITIONS

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

In re Application of	:	
BARKOW et al.	:	DECISION ON APPLICATION
Application No. 11/659,638	:	FOR
Filed: February 5, 2007	:	PATENT TERM ADJUSTMENT
Docket No. 11371/181(2004P05804 WOU	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT" filed January 4, 2010. Applicants request that the initial Determination of Patent Term Adjustment under 35 U.S.C. 154(b) be corrected to twenty-four (24) days.

The application for patent term adjustment is **GRANTED.**

The Office has updated the PALM and PAIR screens to reflect that the corrected Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is twenty-four (24) days. A copy of the updated PALM screen, showing the corrected determination, is enclosed.

On October 29, 2009, the Office mailed a 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 11 days. On January 4, 2010, applicants timely filed the present application for patent term adjustment.[1] Applicants state that the application is not subject to a terminal disclaimer.

Applicants dispute the reduction of 13 days associated with the filing of a response to the final Office on March 3, 2009. Applicants notes that the original final Office action was

[1] PALM records indicate that the issue fee was paid on January 4, 2010.

re-mailed and the period for response was restarted on December 3, 2008. Applicants assert that the reply was received within three months of the mailing date of the re-mailed Office action, and therefore, no period of reduction is warranted.

In this instance, applicants are correct that any delay should be calculated based on the date of the Restarted Response Period and not based on the date of the mailing of the original Office action. As their response was received within three months of the Letter Restarting Period for Response (the re-mailed Office action), no period of applicant delay should have been assessed under 37 CFR 1.704(b). Accordingly, the period of reduction of 13 days will be removed.

In view thereof, the determination of patent term adjustment at the time of the mailing of the Notice of Allowance is 24 days.

The Office will charge the Deposit Account for the $200.00 fee set forth in 37 CFR 1.18(e), as authorized. No additional fees are required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

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

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of updated PALM screen

Day : Monday
Date: 5/24/2010

PALM INTRANET

Time: 10:19:16

PTA Calculations for Application: 11/659638			
Application Filing Date:	02/05/2007	PTO Delay (PTO):	24
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	13
Post-Issue Petitions:	0	Total PTA (days):	24
PTO Delay Adjustment:	13		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
65	05/24/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	13		
53	10/29/2009	MAIL NOTICE OF ALLOWANCE			
52	10/27/2009	ISSUE REVISION COMPLETED			
51	10/23/2009	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
50	10/23/2009	DOCUMENT VERIFICATION			
49	10/23/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
48	10/23/2009	NOTICE OF ALLOWABILITY			
45	10/09/2009	DATE FORWARDED TO EXAMINER			
44	10/07/2009	AMENDMENT AFTER FINAL REJECTION			
43	09/22/2009	MAIL ADVISORY ACTION (PTOL - 303)			
42	09/21/2009	ADVISORY ACTION (PTOL-303)			
41	09/16/2009	DATE FORWARDED TO EXAMINER			
40	09/08/2009	AMENDMENT AFTER FINAL REJECTION			
39	07/07/2009	MAIL FINAL REJECTION (PTOL - 326)			
38	07/06/2009	FINAL REJECTION			
37	06/20/2009	DATE FORWARDED TO EXAMINER			
36	06/17/2009	RESPONSE AFTER NON-FINAL ACTION			
34	03/17/2009	MAIL NON-FINAL REJECTION			
33	03/16/2009	NON-FINAL REJECTION			
32	03/09/2009	DATE FORWARDED TO EXAMINER			
31	03/03/2009	AMENDMENT AFTER FINAL REJECTION		13	28
30	12/03/2008	MAIL NOTICE OF RESTARTED RESPONSE PERIOD			
29	11/28/2008	LETTER RESTARTING PERIOD FOR RESPONSE (I.E. LETTER RE: REFERENCES)			

28	11/18/2008	MAIL FINAL REJECTION (PTOL - 326)			
27	11/18/2008	FINAL REJECTION			
26	09/16/2008	DATE FORWARDED TO EXAMINER			
25	07/29/2008	RESPONSE AFTER NON-FINAL ACTION			
24	04/29/2008	MAIL NON-FINAL REJECTION	24		-1
23	04/28/2008	NON-FINAL REJECTION			
22	08/13/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
21	02/05/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
19	03/27/2008	CASE DOCKETED TO EXAMINER IN GAU			
18	02/07/2008	PG-PUB ISSUE NOTIFICATION			
17	02/05/2007	SUBSTITUTE SPECIFICATION FILED			
16	01/14/2008	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
15	02/05/2007	PRELIMINARY AMENDMENT			
14	02/05/2007	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
13	08/13/2007	REFERENCE CAPTURE ON IDS			
12	08/13/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	02/05/2007	REFERENCE CAPTURE ON IDS			
10	02/05/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	02/05/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	12/03/2007	APPLICATION DISPATCHED FROM OIPE			
7	11/05/2007	SENT TO CLASSIFICATION CONTRACTOR			
6	11/05/2007	FILING RECEIPT			
5	11/05/2007	NOTICE OF DO/EO ACCEPTANCE MAILED			
4	08/13/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
3	02/27/2007	CLEARED BY OIPE CSR			
2	02/27/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	02/05/2007	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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Craig H Evans
E I du Pont de Nemours and Company
Legal -Patents
4417 Lancaster Pike
Wilmington DE 19898

COPY MAILED

OCT 3 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Joel D. CITRON	:	
Application No. 11/659,653	:	DECISION ON PETITION
Filed: February 06, 2007	:	
Attorney Docket No. CL2735USPCT	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 15, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before April 25, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed January 25, 2008. Accordingly, the date of abandonment of this application is April 26, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1440 and the publication fee of $300, (2) the petition fee of $1540; and (3) a proper statement of unintentional delay.

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 documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to K. Reichle at (571) 272-6051.

This application is being referred to Publishing Division for processing into a patent.

David Bucci
Petitions Examiner
Office of Petitions

Cc: Rakesh H. Mehta
1313 North Market Street, 7th Floor
Wilmington DE 19801

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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.
11/659,663	02/07/2007	Morito Asano	001309.00090	4517

22907 7590 02/10/2009
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

EXAMINER
MCCALL, ERIC SCOTT

ART UNIT	PAPER NUMBER
2855	

MAIL DATE	DELIVERY MODE
02/10/2009	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.:20090202

DATE : February 02, 2009

TO SPE OF : ART UNIT 2855

SUBJECT : Request for Certificate of Correction on Patent No.: 7,448,253

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:

/Eric S. McCall/

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Date Mailed : June 28, 2009

Patent No. :7448253
Inventor :Morito ASANO et al.
Patent Issued :November 11, 2008
Title :COMBUSTION STATE DETERMINATION METHOD OF INTERNAL COMBUSTION
:ENGINE.

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.322(a).

Accordingly, the inventors address as printed is considered to be in accordance with that presented on the Declaration/Oath and in accordance with the present rules for printing inventors addresses where assignment data exist in the application file. In assigned patents, the city and U.S. state, or city and foreign country (residence) is captured on the Letters Patent.

In view of the foregoing, your request in this matter is hereby denied.

Ms. Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756-1544

Banner & Witcoff, Ltd
1100 13th Street N.W. Suite 1200
Washington, DC 20005-4051

/arg

11 JUN 2007

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YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

In re Application of PICHLER	:	
U.S. Application No.: 11/659,668	:	
PCT Application No.: PCT/EP2005/053197	:	DECISION
Int. Filing Date: 05 July 2005	:	
Priority Date Claimed: 20 July 2004	:	
Attorney Docket No.: 4303-1010	:	
For: FLUID DISCHARGING DEVICE	:	

This is in response to applicant's "Petition to Revive Unintentionally Abandoned Application Under 37 CFR 1.137(b)" filed 07 February 2007.

BACKGROUND

On 05 July 2005, applicant filed international application PCT/EP2005/053197, which claimed priority of an earlier Austria application filed 20 July 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 26 January 2006. The thirty-month period for paying the basic national fee in the United States expired on 20 January 2007.

International application PCT/EP2005/053197 became abandoned as to the United States for failure to timely pay the basic national fee.

On 07 February 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 05 July 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 07 February 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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06 DEC 2007

00207
WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI, LLP
Ten Post Office Square
Boston, MA 02109

In re Application of:
BONVALOT *et al*
U.S. Application No.: 11/659,675
PCT No.: PCT/IB2005/001951
Int. Filing Date: 11 July 2005
Priority Date: 16 July 2004
Attorney Docket No.: BDL-512XX
For: AN ACTIVE PROTECTION DEVICE FOR PROTECTING CIRCUIT AGAINST MECHANICAL AND ELECTROMECHANICAL ATTACK

DECISION

This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 07 February 2007 which is hereby **GRANTED** as follows:

The basic national fee, search fee, examination fee, and petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

All requirements of 37 CFR 1.137(b) are satisfied.

A declaration of inventorship was filed in the international application pursuant to PCT Rule 4.17(iv). A surcharge fee of $130.00 will be charged to Deposit Account No. 23-0804 as authorized.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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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.
11/659,680	07/09/2007	Carsten Hopf	50125/123001	4151

21559 7590 03/10/2010
CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

EXAMINER
GUCKER, STEPHEN

ART UNIT	PAPER NUMBER
1649	

NOTIFICATION DATE	DELIVERY MODE
03/10/2010	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):

patentadministrator@clarkelbing.com

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MAR 1 0 2010

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Application of:	:
Hopf et al.	:
Serial No.: 11/659,680	: PETITION DECISION
Filed: July 9, 2007	:
Attorney Docket No.: **50125/123001**	:

This is in response to the petition under 37 CFR § 1.181, filed February 2, 2010, requesting that the finality of the Office action of December 2, 2009 be withdrawn.

BACKGROUND

The examiner mailed a non-final Office action on July 2, 2008 setting a three month statutory limit for reply. At the time of this non-final Office action, claims 1-16 were pending. The examiner rejected claims 1-5 and 16 under 35 USC 101, as use claims. Claims 5 and 10-15 were objected to as being improper multiple dependent claims. Claims 6-9 were rejected under 35 USC 112, second paragraph, as indefinite.

In reply to the non-final Office action of July 2, 2008, applicants filed a response on December 22, 2008. The response submitted by applicants included remarks, arguments traversing the rejections made in the non-final Office action and amendments to the claims.

On May 18, 2009, the examiner issued a requirement for restriction setting forth seven groups from which applicants could elect.

In reply to the restriction requirement, applicants elected group V, claims 6-9, with traverse.

On December 2, 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 1-11 and 13-20 were pending, and claims 6-9 were rejected. Claims 1-5, 10, 11, and 13-20 were withdrawn from consideration. Claims 6-9 were rejected under 35 USC 112, first paragraph, as failing to comply with the

written description requirement. Claims 6-9 were rejected under 35 USC 112, second paragraph, as indefinite.

In response thereto, applicants filed this petition on February 2, 2010, requesting that the finality of the Office action of December 2, 2009 be withdrawn.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed by applicants on February 2, 2010, applicants request that the finality of the Office action of December 2, 2009 be withdrawn as improper. Applicants argue they "received an Office action on December 2, 2009, finally rejecting claims 6-9 based on two new grounds of rejection under 35 U.S.C. § 112, first paragraph, written description. In one basis of the rejection, the claims were rejected because the specification lacked an "adequate written description for the genus of DEGS to which the compounds are supposed to bind." "

Specifically, applicants argue "the term "DEGS" appeared in original claim 6 and, therefore, the rejection for lack of written description based on the failure to adequately describe the term DEGS should have been made prior to amendment, as the amended claim employs the term in the same manner as the original claim. For this reason, Applicants' amendment did not necessitate the rejection for lack of written description. Under M.P.E.P. § 707.07(g), the rejection for lack of written description should also have been made in the first Office action on the merits. For these reasons, the December 2, 2009 Office action should not be a final Office action. "

Applicants' argument is well taken and persuasive since applicants' amendments did not necessitate the new rejection. It should further be pointed out that the rejection of claims 6-9 in the final Office action under 35 USC 112, second paragraph, as indefinite because "the term "DEGS" is not clearly defined" could have and should also have been made in the first Office action.

As noted by applicants, MPEP § 706.07 recites:

> Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).
>
> Furthermore, a second or any subsequent action on the merits in any application or patent undergoing reexamination proceedings will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art.

Thus, it is *not* proper for an office action to be made final when the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c). Accordingly, it is decided that Applicants' argument is well-taken and found persuasive.

DECISION

The petition is **GRANTED.**

The Office action mailed December 2, 2009 is hereby vacated to the extent that it was made "final" and the Office action is now considered to be a non-final Office action.

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

George C. Elliott

George Elliott
Director, Technology Center 1600

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31 DEC 2007

21839
BUCHANAN, INGERSOLL & ROONEY PC
P.O. Box 1404
Alexandria, VA 22313-1404

In re Application of :
OMATSU *et al* :
Application No.: 11/659,705 :
PCT No.: PCT/JP2005/014795 :
Int. Filing Date: 05 August 2005 :
Priority Date: 09 August 2004 : **DECISION**
Attorney Docket No.: 1019519-000599 :
For: POLYMER FILM, AND OPTICALLY- :
COMPENSATORY FILM, POLARIZER :
AND LIQUID-CRYSTAL DISPLAY . . . :

This is a decision on the declaration filed on 29 October 2007 which has been treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 08 February 2007, applicants filed papers to enter the national stage of PCT/JP2005/014795 which included the required fees.

On 29 October 2007, applicants filed a declaration executed by five of the six named inventors and the legal representative of a deceased inventor, Yousuke Nishiura along with a $130.00 surcharge fee.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Applicants submitted a declaration executed by five of the six named inventors and the legal representative of Yousuke Nishiura, who is deceased. Takako Nishiura executed the declaration as the legal representative of the deceased inventor. However, this declaration does not meet the requirements of 37 CFR 1.497(a) and (b).

The citizenship, residence and address of the legal representative must be recorded on the declaration pursuant to 37 CFR 1.497(b)(2), along with the required information for the deceased inventor required by 37 CFR 1.497(a)(3).

Here, the citizenship, residence and address information for the deceased inventor is listed once and it is not clear whether this information is for the legal representative or the deceased inventor. Regardless, this information must be recorded separately on the declaration for each.

CONCLUSION

For the reason listed above, applicants' petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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2 5 APR 2008

21839
BUCHANAN, INGERSOLL & ROONEY PC
P.O. Box 1404
Alexandria, VA 22313-1404

In re Application of :
OMATSU *et al* :
Application No.: 11/659,705 :
PCT No.: PCT/JP2005/014795 :
Int. Filing Date: 05 August 2005 :
Priority Date: 09 August 2004 : **DECISION**
Attorney Docket No.: 1019519-000599 :
For: POLYMER FILM, AND OPTICALLY- :
COMPENSATORY FILM, POLARIZER :
AND LIQUID-CRYSTAL DISPLAY . . . :

This is a decision on the declaration filed on 13 March 2008 which has been treated as a renewed petition under 37 CFR 1.42.

BACKGROUND

On 31 December 2007, a decision dismissing applicants' declaration submitted under 37 CFR 1.42 was mailed. Applicants were given two months to respond with extensions of time available.

On 13 March 2008, applicant resubmitted a declaration executed by the legal representative of a deceased inventor along with authorization to charge any required fees to Deposit Account No. 02-4800.

DISCUSSION

The prior decision mailed 31 December 2007 gave applicants two months to respond with extensions of time available under 37 CFR 1.136(a). The subject response was filed 13 March 2008. As such, a one-month extension fee has been charged to Deposit Account No. 02-4800 as authorized.

In their response, applicants submitted a declaration executed by Takako Nishiura as the legal representative of Yousuke Nishiura, who is deceased. The citizenship, residence and address of the legal representative are recorded on the declaration pursuant to 37 CFR 1.497(b)(2), along with the required information for all inventors including the deceased inventor.

A supplemental Application Data Sheet listing the required information for the inventors and the legal representative was also provided.

11/659,705

CONCLUSION

The renewed papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 05 August 2005, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 13 March 2008.

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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08 MAY 2008

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

In re Application of DIEHL et al. Application No.: 11/659,713 PCT No.: PCT/IB04/01865 Int. Filing: 12 March 2006 Priority Date: None Attorney Docket No.: 131021 For: TOPICAL AND INTRAVAGINAL MICROBICIDAL ANTIPARASITIC COMPOSITIONS COMPRISING QUASSINOIDS OR QUASSINOID CONTAINING PLANT EXTRACTS	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 08 February 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the U.S. National Stage application from its due date until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $150 has been provided. The required petition fee of $750 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **08 February 2007.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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JUN 18 2010

OFFICE OF PETITIONS

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

In re Application of
Bonnard, et al.
Application No. 11/659,721
Filed: April 12, 2007
Attorney Docket No. 131228

ON PETITION

This is a decision on the petition under 37 CFR 1.181 filed on May 24, 2010, to withdraw the holding of abandonment.

The petition is **DISMISSED**.

The application became abandoned on April 29, 2010, after no response was received to the Supplemental Notice of Allowability mailed January 28, 2010, which set a statutory period for reply of three-months from its mailing date. The Notice required corrected drawings to be filed. No response was received within the allowable period, and the application became abandoned on April 29, 2010. A Notice of Abandonment was mailed on May 21, 2010.

By the instant petition, petitioner maintains that notice of January 28, 2010, did not specifically identify what corrections were required. Petitioner further states that petitioner was not made aware of what was specifically required until May 24, 2010, when petitioner called the examiner to inquire about the matter. Petitioner concludes that the holding of abandonment should be withdrawn because the USPTO allegedly did not specifically indicate in the Supplemental Notice of Allowability the corrections required to made to the drawings.

Petitioner's argument is not persuasive. Applicant is not a liberty to ignore the requirement for corrected drawings made in the Supplemental Notice of Allowability regardless of whether or not a specific requirement for corrections was made. The Supplemental Notice of Allowability made a requirement for corrected drawings and set a three-month statutory period for reply. Applicant was obligated to file a timely response to the Supplemental Notice of Allowability or file a request to restart or reset the time period for responding to the Supplemental Notice of Allowability if applicant believed the Supplemental Notice of Allowability to be defective. See MPEP 710.06. Section 711.02 of the Manual of Patent Examining Procedure, citing 37 CFR 1.135(a) states, in pertinent part, that, "...an application becomes abandoned if applicant "fails to reply" to an office action within the fixed statutory period. This failure may result either from (A) failure to reply within the statutory period, or (B) insufficiency of reply, i.e., failure to file a "complete and proper reply, as the condition of the case may require" within the statutory period (37 CFR 1.135(b))." In this case, applicant failed to respond to the Supplemental Notice of Allowability, and the application was properly held abandoned on April 29, 2010.

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 ($1,620.00 for a large entity and $810.00 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:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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OLIFF & BERRIDGE, PLC
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ALEXANDRIA VA 22320-4850

MAILED
JUL 16 2010
OFFICE OF PETITIONS

In re Application of :
Bonnard, et al. :
Application No. 11/659,721 : ON PETITION
Filed: April 12, 2007 :
Attorney Docket No. 131228 :

This is a decision on the petition under 37 CFR §1.137(b), June 23, 2010, to revive the above-identified application.

The petition is **granted**.

The application became abandoned on April 29, 2010, after no response was received to the Supplemental Notice of Allowability mailed January 28, 2010, which set a statutory period for reply of three-months from its mailing date. The Notice required corrected drawings to be filed. No response was received within the allowable period, and the application became abandoned on April 29, 2010. A Notice of Abandonment was mailed on May 21, 2010.

The corrected drawings were received on May 24, 2010.

Form PTOL-85B, filed January 5, 2010, is noted and made of record.

The application is being directed to the Office of Data Management for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE

03 AUG 2007

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ALEXANDRIA, VA 22313-1450
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COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
1200 19th Street, NW, 5th Floor
Washington, DC 20036

In re Application of	:	DECISION ON
RASTELLI et al	:	
Application No.: 11/659,731	:	
PCT No.: PCT/US2005/027883	:	
Int. Filing Date: 05 August 2005	:	PETITION UNDER
Priority Date: 06 August 2004	:	
Attorney's Docket No.: SOPH-001/01US (306561-2002)	:	
For: ANTI-ANGIOGENIC PEPTIDES AND METHODS	:	
OF USE THEREOF	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION TO REVIVE UNDER 37 C.F.R. 1.137(b)," filed on 08 February 2007.

BACKGROUND

On 05 August 2005, this international application was filed, claiming an earliest priority date of 06 August 2004. This international application became abandoned with respect to the United States at midnight on 06 February 2007 for failure to pay the required basic national fee.

On 08 February 2007, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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LAW OFFICES OF JAMES E. WALTON, PLLC
1169 N. BURLESON BLVD.
SUITE 107-328
BURLESON, TX 76028

Mail Date: 04/27/2010

Applicant	: James Grant Mast	: DECISION ON REQUEST FOR
Patent Number	: 7637459	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/659,748	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/08/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **332** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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JENKINS, WILSON, TAYLOR & HUNT, P. A.
Suite 1200 UNIVERSITY TOWER
3100 TOWER BLVD.,
DURHAM, NC 27707

Mail Date: 04/21/2010

Applicant	: Gabriel Kremmidiotis	: DECISION ON REQUEST FOR
Patent Number	: 7667028	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/659,756	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/23/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

2 8 NOV 2007

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SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
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GAINESVILLE, FL 32614-2950

In re Application of KHAN et al	:	
U.S. Application No.: 11/659,758	:	
PCT Application No.: PCT/GB2005/003222	:	DECISION
Int. Filing Date: 17 August 2005	:	
Priority Date Claimed: 20 August 2004	:	
Attorney Docket No.: GJE-7785	:	
For: MULTI-COLOUR PRINTING	:	

This is in response to applicant's "Petition to File Application Without Signature of Joint Inventor" filed 01 October 2007, which is being treated under 37 CFR 1.47(a).

BACKGROUND

On 17 August 2005, applicant filed international application PCT/GB2005/003222, which claimed priority of an earlier United Kingdom application filed 20 August 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 23 February 2006. The thirty-month period for paying the basic national fee in the United States expired on 20 February 2007.

On 08 February 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 28 June 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 01 October 2007, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventor on his own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

The petition states that joint inventor Nazir Khan refuses to sign the application papers. Petitioner has adequately demonstrated that a bona fide attempt was made to present a copy of the application papers to Dr. Khan for signature (see letter dated 25 July 2007). However, petitioner has not sufficiently illustrated that Dr. Khan refuses to sign. In particular, if Dr. Khan has made an express oral or written refusal to sign, the details of such refusal as explained above must be provided in an affidavit signed by the person to whom the refusal was made. If no express refusal has been made, petitioner must specifically identify the particular conduct on the part of the nonsigning inventor that evidences a constructive refusal to sign.

With regard to item (3) above, the requisite petition fee will be charged to Deposit Account No. 19-0065 as authorized in the petition.

With regard to item (4) above, the petition fails to state the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely file a proper response will result in abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

16 JUL 2008

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A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE, FL 32614-2950

In re Application of KHAN et al	:	
U.S. Application No.: 11/659,758	:	
PCT Application No.: PCT/GB2005/003222	:	DECISION
Int. Filing Date: 17 August 2005	:	
Priority Date Claimed: 20 August 2004	:	
Attorney Docket No.: GJE-7785	:	
For: MULTI-COLOUR PRINTING	:	

This is in response to applicant's "Renewed Petition Under 37 CFR 1.47(a)" filed 29 June 2008.

BACKGROUND

On 17 August 2005, applicant filed international application PCT/GB2005/003222, which claimed priority of an earlier United Kingdom application filed 20 August 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 23 February 2006. The thirty-month period for paying the basic national fee in the United States expired on 20 February 2007.

On 08 February 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 28 June 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 01 October 2007, applicant filed a petition under 37 CFR 1.47(a).

On 28 November 2007, this Office mailed a decision dismissing the 01 October 2007 petition.

On 29 June 2008, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Petitioner has previously satisfied items (1) and (3) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

The petition states that joint inventor Nazir Khan refuses to sign the application papers. Petitioner has adequately demonstrated that a bona fide attempt was made to present a copy of the application papers to Dr. Khan for signature (see letter dated 25 July 2007). Furthermore, petitioner has sufficiently illustrated that Dr. Khan refuses to sign. In particular, Dr. Khan made an express oral refusal to sign during a telephone conversation with Andrew Whyte (see affidavit of Andrew Whyte, ¶3). Thus, it can be concluded with reasonable certainty that Dr. Khan refuses to join in the application.

With regard to item (4) above, the renewed petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 17 August 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 01 October 2007.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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Nazir Khan
6 Hillingdon Avenue
Nuthall, Nottingham
NG16 1RA
United Kingdom

In re Application of KHAN et al
U.S. Application No.: 11/659,758
PCT Application No.: PCT/GB2005/003222
Int. Filing Date: 17 August 2005
Priority Date Claimed: 20 August 2004
For: MULTI-COLOUR PRINTING

Dear Nazir Khan:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

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Attorney Docket No.: GJE-7785

United States Patent and Trademark Office

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3 1 MAR 2008

DAVIS & BUJOLD P.L.L.C.
112 PLEASANT STREET
CONCORD NH 03301

In re Application of	:	
Skryabin et al.	:	
Application No.: 11/659,766	:	DECISION
PCT No.: PCT/AU2005/001194	:	
Int. Filing Date: 11 August 2005	:	ON
Priority Date: 11 August 2004	:	
Attorney Docket No.: GRIHAC P50AUS	:	PETITION
For: Photoelectrochemical Photovoltaic Panel And Method To Manufacture Therof	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 11 January 2008.

BACKGROUND

This international application was filed on 11 August 2005, claimed an earlier priority date of 11 August 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 16 February 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 11 February 2007. Applicants filed *inter alia* the basic national fee on 08 February 2007.

On 25 July 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, the $200.00 petition fee has been paid.

Regarding **requirement (2)**, petitioner seeks relief under 37 CFR 1.47(a) on the basis that joint inventors Skryabin and Phani allegedly have refused to execute the application. Counsel's attention is respectfully drawn to MPEP 409.03(d), which states in part:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by

> counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal. When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition

Regarding Mr. Skryabin, the evidence of record suggests that Mr. Skryabin has not signed certain documents due to an ongoing dispute. However, it has not been established that Mr. Skryabin has failed to execute the application after being presented with a complete copy of this application and an oath or declaration directed to it. The letter from Freehills, dated 02 April 2007, refers to 5 applications having been transmitted, but it is not clear whether the instant application was included among them. In order to clarify this point, a statement made on the basis of first-hand knowledge (e.g., from the person transmitting the correspondence) would be appropriate. It is noted that Sylvia Medlyn Tulloch specifically refers to the instant application, but she does not appear to have first-hand knowledge of which papers were actually sent to Mr. Skryabin.

With respect to Mr. Phani, the evidence of record suggests that a copy of the international application and a declaration document were transmitted to him on 02 May 2007; however, the 02 May 2007 letter to him from Griffith Hack (p. 62 of the petition) has not been introduced by an individual (e.g., Lorne Wood-Roe) having first-hand knowledge that the application and declaration were in fact sent with said letter, and that he has failed to execute and return the declaration.

Regarding **requirement (3)**, the petition provides the last known addresses of the non-signing inventors, Skryabin and Phani. Accordingly, requirement (3) has been satisfied.

Regarding **requirement (4)**, inspection of the declaration of inventorship accompanying the instant petition reveals that it is defective because it nominates "Michael Peter John BERTOZ" and "Graeme Leslie EVANS" in place of "MICHAEL, Peter, John, Bertoz" and "GRAEME, Leslie, Evans" named in the published international application. As this represents more than a mere typographical error or phonetic misspelling, a proper petition (and fee) under 37 CFR 1.182 would be required in order for this declaration to be accepted.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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DAVIS & BUJOLD P.L.L.C.
112 PLEASANT STREET
CONCORD NH 03301

In re Application of	:	
Skryabin et al.	:	
Application No.: 11/659,766	:	DECISION
PCT No.: PCT/AU2005/001194	:	
Int. Filing Date: 11 August 2005	:	ON
Priority Date: 11 August 2004	:	
Attorney Docket No.: GRIHAC P50AUS	:	PETITION
For: Photoelectrochemical Photovoltaic Panel	:	
And Method To Manufacture Thereof	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 30 April 2008.

DISCUSSION

In a Decision mailed on 31 March 2008, the petition under 37 CFR 1.47(a) filed on 11 January 2008 was dismissed, without prejudice, because petitioner had not adequately demonstrated the unavailability (refusal) of joint inventors Skryabin and Phani within the meaning of 37 CFR 1.47(a), and because the declaration was "defective because it nominates "Michael Peter John BERTOZ" and "Graeme Leslie EVANS" in place of "MICHAEL, Peter, John, Bertoz" and "GRAEME, Leslie, Evans" named in the published international application."

In response, petitioner has provided declaration documents executed by the previously non-signing inventors, Skryabin and Phani. As such, the petition under 37 CFR 1.47(a) is **MOOT**.

Petitioner has also provided copies of two Notification Of The Recording Of A Change forms (Form PCT/IB/306) showing that, pursuant to Rule 92bis, the names of inventors Bertoz and Evans were corrected during the international phase.

However, inspection of the declaration documents filed on 30 April 2008 reveals that inventor Skryabin (as named in the published international application) has signed under the name "SKRABIN," though no explanation of this discrepancy has been provided. In the absence of such an explanation (e.g., whether a typographical or transliteration error occurred), it would not be appropriate to accept the declaration at this time.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
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1 1 AUG 2008

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DAVIS & BUJOLD P.L.L.C.
112 PLEASANT STREET
CONCORD NH 03301

In re Application of	:	
Skryabin et al.	:	
Application No.: 11/659,766	:	
PCT No.: PCT/AU2005/001194	:	
Int. Filing Date: 11 August 2005	:	DECISION
Priority Date: 11 August 2004	:	
Attorney Docket No.: GRIHAC P50AUS	:	
For: Photoelectrochemical Photovoltaic Panel	:	
And Method To Manufacture Thereof	:	

This is in response to the correspondence filed on 23 July 2008.

DISCUSSION

In a Decision mailed on 20 June 2008, the renewed petition under 37 CFR 1.47(a) filed on 30 April 2008 was dismissed as moot, without prejudice, because petitioner had provided declaration documents executed by the tho inventors who were the subjects of the 37 CFR 1.47(a) petition. However, the declaration filed on 30 April 2008 was not accepted, without prejudice, because

> inspection of the declaration documents filed on 30 April 2008 reveals that inventor Skryabin (as named in the published international application) has signed under the name "SKRABIN," though no explanation of this discrepancy has been provided. In the absence of such an explanation (e.g., whether a typographical or transliteration error occurred), it would not be appropriate to accept the declaration at this time.

In response, counsel "notes that when our office prepared the Declaration and Power of Attorney form, our office inadvertently left off the 'y' in inventor Skryabin's name. That is, his correct name is Igor 'Lvovich SKRYABIN' and not 'Igor Lvovich SKRABIN." Per the policy explained at MPEP 605.04(b), discrepancies in the inventor's name arising from mere typographic or transliteration errors may be excused without petition. As such, in view of counsel's statement, it would be appropriate to accept the declaration filed on 30 April 2008. Applicants are advised to use an application data sheet to assure that the correct spelling appears in any issued patent.

DECISION

The declaration filed on 30 April 2008 is **ACCEPTED**.

This application is being forwarded to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **30 April 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
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1 9 MAR 2008

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GREENBERG TRAURIG, LLP
1200 SEVENTEENTH STREET, SUITE 2400
DENVER CO 80202

In re Application of	:	
GALL Kenneth A., et al.	:	
Application No.: 11/659,770	:	DECISION
PCT No.: PCT/US2006/015207	:	
Int. Filing Date: 21 April 2006	:	ON REQUEST UNDER
Priority Date: 21 April 2005	:	
Attorney's Docket No.: 036302-010203	:	37 CFR 1.497(d)
For: OSTEOSYNTHETIC IMPLANTS AND	:	
METHODS OF USE AND	:	
MANUFACTURE	:	

This decision is in response to applicants' petition to correct the inventorship in the above captioned application, filed in the United States Patent and Trademark Office on 04 September 2007. It has been treated as a request under 37 CFR 1.497(d).

BACKGROUND

On 21 April 2006, applicants filed international application PCT/US2006/015207, which claimed a priority date of 21 April 2005. The deadline for payment of the basic national fee in the United States was midnight on 21 October 2007.

On 07 February 2007, applicants filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the U.S. Basic National Fee.

On 26 April 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors was required..

On 04 September 2007, applicants submitted a declaration of the inventors and the instant request.

DISCUSSION

The international application lists the inventors as Kenneth A. Gall, Jeffrey A. Tyber and Douglas J. Pacaccio. Applicants claim to file this petition to add Doulas J. Pacaccio as an inventor. He is already listed as an inventor. This request is dismissed as moot.

However, a review of the declaration indicates it is defective. It is composed of one page 1 and one page 2, but two pages 3. Each page three lists the same inventors, but was separately executed. While it is acceptable for inventors to execute separate copies of the oath or

declaration, the complete copy presented to each inventor must be returned to the Office. MPEP 605.04(a). Further, the address of inventor Pacaccio has been stricken and a new address written next to it, but the changes were not initialed. Id. (Stating "Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration."). A new oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

CONCLUSION

For the above reasons, applicants' request under 37 CFR 1.497(d) is **DISMISSED AS MOOT**.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

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Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
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0 8 JUL 2008

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GREENBERG TRAURIG, LLP
1200 SEVENTEENTH STREET, SUITE 2400
DENVER CO 80202

In re Application of	:	
GALL Kenneth A., et al.	:	
Application No.: 11/659,770	:	
PCT No.: PCT/US2006/015207	:	
Int. Filing Date: 21 April 2006	:	DECISION
Priority Date: 21 April 2005	:	
Attorney's Docket No.: 036302-010203	:	
For: OSTEOSYNTHETIC IMPLANTS AND	:	
METHODS OF USE AND	:	
MANUFACTURE	:	

This decision is in response to applicants' submission of a declaration under 37 CFR 1.497(a)-(b).

BACKGROUND

On 19 March 2008, the Office mailed Decision On Petition, dismissing applicant's request under 37 CFR 1.497(a)-(b) as moot, but indicating that a new oath or declaration of the inventors was required.

On 08 May 2008, applicants submitted a new declaration of the inventors.

DISCUSSION

The declaration submitted on 08 May 2008 complies with 37 CFR 1.497(a)-(b).

CONCLUSION

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application processing for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 08 May 2008

/Erin P. Thomson/

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FOLEY AND LARDNER LLP
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3000 K STREET NW
WASHINGTON DC 20007

MAILED

APR 23 2009

OFFICE OF PETITIONS

In re Application of
Batt et al.
Application No. 11/659,798
Filed: January 14, 2008
Attorney Docket No. 040283-0234

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 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 Courtenay O. Brinckerhoff, on behalf of all attorneys of record who are associated with Customer Number 22428.

All attorneys/agents associated with the Customer Number 22428 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, Andrzej Roman Batt at the address indicated below.

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

Telephone inquires concerning this decision should be directed to Alicia Kelley at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to Technology Center AU 1624.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: ANDRZEJ ROMAN BATT
41 KENT ROAD
SOUTHAMPTON, SO17 2LJ GREAT BRITAIN

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
11/659,798	01/14/2008	Andrzej Roman Batt	

CONFIRMATION NO. 4705

POWER OF ATTORNEY NOTICE

22428
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

OC000000035644207

Date Mailed: 04/23/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/26/2009.

- 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.

/atkelley/

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/659,798	01/14/2008	Andrzej Roman Batt	

CONFIRMATION NO. 4705

POWER OF ATTORNEY NOTICE

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3000 K STREET NW
WASHINGTON, DC 20007

OC000000035644207

Date Mailed: 04/23/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/26/2009.

- 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.

/atkelley/

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

0 7 MAR 2008

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

In re Application of	:	
AMANO, Mari et al.	:	
Application No.: 11/659,800	:	
PCT No.: PCT/JP2005/014855	:	
Int. Filing Date: 12 August 2005	:	DECISION
Priority Date: 12 August 2004	:	
Attorney Docket No.: 05NPCT006US	:	
For: SEMICONDUCTOR DEVICE AND METHOD FOR MANUFACTURING SAME	:	

This decision is in response to applicants' petition under 37 CFR 1.181, filed with the United States Patent and Trademark Office on 04 September 2007.

BACKGROUND

On 12 August 2005, applicants filed international application PCT/JP2005/014855, claiming a priority date of 12 August 2004. A copy of the international application was transmitted to the Office by the International Bureau on 16 February 2006. The deadline for payment of the basic national fee was 12 February 2007.

On 09 February 2007, applicants submitted a transmittal letter for entry into the national phase in the United States, accompanied by the basic national fee.

On 13 June 2007, applicants submitted a declaration of the inventors.

On 23 July 2007, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required and that the name of an inventor had changed without documentation.

On 04 September 2007, applicants submitted this petition stating that an inventor was erroneously named in the transmittal letter.

DISCUSSION

The inventorship in an international application is set during the international phase. The inventors include those in the filed PCT and any changes made under PCT Rule 92*bis*. The international application lists the third named inventor as "Naoya Kotake," while the declaration lists the third named inventor as "Naoya Furutake." The Office does not have a record of the recording of a change under PCT Rule 92*bis*. If this discrepancy is the result of a typographical or transliteration error, it can be corrected by a statement under MPEP 201.03 stating either that it was a typographical or a transliteration error and

specifying the correct name. However, if the error is not the result of a typographical or transliteration error, a petition under 37 CFR 1.182, as set out in MPEP 605.04(c).

CONCLUSION

For the reasons discussed above, applicants' petition is **DISMISSED** without prejudice.

A proper response is required within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available. Failure to timely reply will result in the abandonment of this application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

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Attorney Advisor
PCT Legal Administration

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0 8 OCT 2008

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

In re Application of	:	
AMANO, Mari et al.	:	
Application No.: 11/659,800	:	
PCT No.: PCT/JP2005/014855	:	
Int. Filing Date: 12 August 2005	:	DECISION
Priority Date: 12 August 2004	:	
Attorney Docket No.: 05NPCT006US	:	
For: SEMICONDUCTOR DEVICE AND METHOD FOR MANUFACTURING SAME	:	

This decision is in response to applicants' submission under MPEP 201.03, filed with the United States Patent and Trademark Office on 28 April 2008.

BACKGROUND

On 07 March 2008, the Office mailed Decision indicating that the inventors on the declaration did not match the international application and that a petition or a statement under MPEP 201.03 was necessary to correct the discrepancy.

On 28 April 2008, applicants filed this response to the Decision.

DISCUSSION

The international application lists the third named inventor as "Naoya Kotake," while the declaration lists the third named inventor as "Naoya Furutake." Applicants state this discrepancy is the result of a transliteration error. The declaration filed 13 June 2007 now complies with 37 CFR 1.497(a)-(b).

CONCLUSION

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 13 June 2007.

/Erin P. Thomson/

Erin P. Thomson
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PCT Legal Administration

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CST

April 3, 2009

In re application of Toshinobu Niinae Serial No. 11/659,849 Filed: February 9, 2007 For: METHOD FOR PRODUCING RARE EARTH METAL-BASED PERMANENT MAGNET HAVING COPPER PLATING FILM ON THE SURFACE THEREOF	: : : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special, filed January 27, 2009.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

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

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:

      Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
   c. A statement that the English translation is accurate;

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

(7) The required petition fee under 37 CFR 1.17(h).

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

It is noted that the JPO application with similar claims (Japanese Patent Application No. 2006-531642) is not the same application from which the U.S. application claims priority (Japanese Patent Application No. 2004-233302) and that applicant has not identified the relationship between the JPO application with similar claims and the JPO application from which the U.S. application claims priority. However, based upon a review of the documents filed in Japanese Patent Application No. 2006-531642 via the Dossier Access System, it appears that the present application and Japanese patent Application No. 2006-531642 are both national stage applications of the same PCT

which claims priority to Japanese Patent Application No. 2004-233302. It is suggested that future requests to participate in the Patent Prosecution Highway should clearly explain the relationship between the application with the allowed claims and the priority application if these two applications are not the same.

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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Perkins Coie LLP
P.O. Box 2168
Menlo Park, CA 94026

In re Application of	:	
MATT et al	:	DECISION ON
Int. Application: PCT/US2005/028179	:	
Application No.: 11/659,861	:	
Int. Filing Date: 09 August 2005	:	REQUEST UNDER
Priority Date: 09 August 2004	:	
Attorney's Docket No.: 52740-8007.US00	:	
For: OLIVE COMPOSITIONS ...	:	
INFLAMMATORY CONDITIONS	:	37 CFR 1.497(d)

This is a decision on applicants' "REQUEST TO AMEND INVENTORSHIP UNDER 37 CFR 1.48(a)" filed on 10 April 2008, which is being treated as a request under 37 CFR 1.497(d) to add joint inventor Roberto Crea in the executed declaration.

BACKGROUND

On 09 August 2005, applicant filed international application No. PCT/US2005/007655, which claims a priority date of 09 August 2004.

On 09 February 2007, applicant filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration was filed at such time.

On 10 October 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date... is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68" must be submitted within two months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 10 April 2008, applicant filed a "REQUEST TO AMEND INVENTORSHIP UNDER 37 CFR 1.48(a)," which included, *inter alia*, an executed declaration and a request to add Roberto Crea, who was not originally listed in the PCT application, as an inventor in the above-identified patent application.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(2) the fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (3) under 37 CFR 1.497(d).

With respect to item (1), the statement submitted by Roberto Crea is sufficient because the statement states that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of $130.00 has been paid.

With respect to item (3), CreAgri, Inc. and Arizona Board of Regents fo and on behalf of Arizona State University, the assignee, consents to the correction of inventorship to the above application and it has filed in the requisite papers establishing their right to take action under 37 CFR §3.73(b).

Accordingly, the requests are deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **10 April 2007**.

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17 MAY 2010

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WASHINGTON DC 20006

In re Application of	:	
JUNG et al	:	DECISION ON
Application No.: 11/659,861	:	
Int. Application: PCT/KR2009/006087	:	
Int. Filing Date: 21 October 2009	:	REQUEST UNDER
Priority Date: 22 October 2008	:	
Attorney's Docket No.: 32141.001.00	:	
For: METHOD OF PREPARING ...	:	
FIBER HYBRID COMPOSITE	:	37 CFR 1.497(d)

This is a decision on applicants' "REQUEST TO CORRECT INVENTORSHIP UNDER 37 CFR 1.48(a)" filed on 26 February 2010, which is being treated as a request under 37 CFR 1.497(d) to add joint inventors Ji-hun YUN and Cheol-hyun PARK in the executed declaration.

BACKGROUND

On 21 October 2009, applicants filed international application No. PCT/KR2009/006087, which claims a priority date of 22 October 2008.

On 29 December 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee, and an executed declaration.

On 26 February 2010, applicants filed a "REQUEST TO CORRECT INVENTORSHIP UNDER 37 CFR 1.48(a)," which included, *inter alia*, another executed declaration and a request to add co-inventors Ji-hun YUN and Cheol-hyun PARK, who were not originally listed in the PCT application, as inventors in the above-identified patent application.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(2) the fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (3) under 37 CFR 1.497(d).

With respect to item (1), the statements submitted by Ji-hun YUN and Cheol-hyun PARK sufficient because the statement states that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of $130.00 has been paid.

With respect to item (3), LG HAUSYS LTD., the assignee, consents to the correction of inventorship to the above application and it has filed in the requisite papers establishing their right to take action under 37 CFR §3.73(b).

Accordingly, the request is deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **26 February 2010**.

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KENYON & KENYON LLP
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Mail Date: 04/21/2010

Applicant	: Reiner Hirning	: DECISION ON REQUEST FOR
Patent Number	: 7665438	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/659,868	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/04/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **234** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

10 NOV 2008

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In re Application of: SEKI, Akihito, et al.	:	
U.S. Application No.: 11/659,884	:	
PCT No.: PCT/JP2005/014782	:	DECISION ON REQUEST UNDER
International Filing Date: 11 August 2005	:	37 CFR 1.497(d)
Priority Date: 11 August 2004	:	
Attorney's Docket No.: CSP-130-A	:	
For: MOBILE PERIPHERAL MONITOR	:	

This decision is issued in response to the "Petition To Correct Inventorship In Patent Application Under 37 CFR 1.48(a) and Response To Notification Of Defective Response Dated 02 September 2008" filed 02 October 2008, and supplemented 07 October 2008, treated herein under 37 CFR 1.497(d). Applicants have paid the required $130 processing fee.

BACKGROUND

On 11 August 2005, applicants filed international application PCT/JP2005/014782. The application claimed a priority date of 11 August 2004, and it designated the United States. On 16 February 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 11 February 2007. The published international application identified three applicant/inventors for the U.S.: Akihito SEKI, Masaioshi OKUTOMI, and Tomo FUJIMAKI.

On 09 February 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an English translation of the international application.

On 25 July 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497.

On 26 November 2007, applicants filed a response to the Notification Of Missing Requirements (with required extension fee) that included a declaration executed by two of the three inventors of record herein.

On 02 September 2008, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration filed 26 November 2007 was defective based on its failure to include the third inventor of record, Tomo FUJIMAKI.

On 02 October 2008, applicants filed the "Petition To Correct Inventorship In Patent Application Under 37 CFR 1.48(a) and Response To Notification Of Defective Response Dated 02 September 2008" considered herein. The petition requests the deletion of Tomo FUJIMAKI as an inventor herein so as to permit acceptance of the previously filed declaration.

On 07 October 2008, applicants filed the "Supplement To Petition To Correct Inventorship In Patent Application Under 37 CFR 1.48(a) and Response To Notification Of Defective Response Dated 02 September 2008" also considered herein. The supplement included the consent of one of the two assignees herein to the proposed change in inventorship.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

The declaration filed by applicants on 26 November 2007 names an inventive entity different than that set forth in the international application. Specifically, Tomo FUJIMAKI has been removed as an inventor. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

The materials filed by applicants on 02 October 2008 included the required statement of non-deceptive intent from Tomo FUJIMAKI, the person to be removed as an inventor, as well as the required processing fee. The 02 October 2008 submission therefore satisfied requirements (A) and (B), above.

With respect to requirement (3), the 02 October 2008 included the consent of assignee Honda Motor Corp., Ltd. (Honda) to the requested change in inventorship, and such consent was provided in compliance with 37 CFR 3.73(b). However, the 02 October 2008 submission makes clear that Honda is not the sole assignee of the application; rather, the submission indicates that there is an additional assignee, Tokyo Institute of Technology (Tokyo IT). The materials filed on 02 October 2008 did not include the consent of co-assignee Tokyo IT to the proposed change

of inventorship. Because the 02 October 2008 submission did not include the consent of co-assignee Tokyo IT to the change in inventorship, this submission failed to satisfy requirement (C), above. Accordingly, the 02 October 2008 petition did not satisfy all the requirements of 37 CFR 1.497(d), and correction of the inventorship herein based on such submission is therefore not appropriate.

Applicants' supplemental submission on 07 October 2008 included the consent of co-assignee Tokyo IT, completing the requirements of 37 CFR 1.497(d). However, this submission was made after the expiration of the non-extendable one-month response period set forth in the Notification Of Defective Response mailed 02 September 2008. Because these required materials were not "inadvertently omitted" from the 02 October 2008 submission, it is not appropriate to provide applicants with an additional response period beyond that set forth in the Notification Of Defective Response (see 37 CFR 1.135(c)). Accordingly, the untimely supplemental materials filed 07 October 2008 cannot be considered as part of applicants' response to the Notification Of Defective Response.

Based on the above, the materials filed by applicants during the applicable response period did not include all the requirements for correction of inventorship under 37 CFR 1.497(d). Accordingly, Tomo FUJIMAKI remains an inventor of record herein, and the declaration filed 26 November 2007, which does not include this inventor, remains unacceptable under 37 CFR 1.497. Because applicants failed to file a proper and timely response to the Notification Of Defective Response during the available response period, the present application became abandoned as of midnight on 02 October 2008 (i.e., prior to the filing of the supplemental petition materials on 07 October 2008).

CONCLUSION

As discussed above, applicant has now submitted all the requirements for a grantable request to correct inventorship under 37 CFR 1.497(d). However, because all such requirements were not submitted prior to the expiration of the allowable response period set forth in the Notification Of Defective Response (Form PCT/DO/EO/916), the present application is **ABANDONED**.

A decision on the request under 37 CFR 1.497(d) is held in abeyance at this time, pending submission of a grantable petition to revive the application.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.

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2 3 JAN 2009

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In re Application of: SEKI, Akihito, et al.	:	
U.S. Application No.: 11/659,884	:	DECISION ON PETITION FOR
PCT No.: PCT/JP2005/014782	:	REVIVAL UNDER 37 CFR
International Filing Date: 11 August 2005	:	1.137(b) AND RENEWED
Priority Date: 11 August 2004	:	REQUEST UNDER
Attorney's Docket No.: CSP-130-A	:	37 CFR 1.497(d)
For: MOBILE PERIPHERAL MONITOR	:	

This decision is issued in response to the petition for revival under 37 CFR 1.137(b) and the renewed "Petition To Correct Inventorship In Patent Application Under 37 CFR 1.48(a) and Response To Notification Of Defective Response Dated 02 September 2008" filed 01 December 2008. Applicants have paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the previous decision mailed 10 November 2008. That decision dismissed applicants' request to correct inventorship under 37 CFR 1.497(d) for failure to submit all required materials during the available response time. The decision also indicated that, based on applicants' failure to file a proper response to the "Notification Of Defective Response" (Form PCT/DO/EO/916) during the applicable response period, the present application was abandoned.

On 01 December 2008, applicants filed the petition for revival under 37 CFR 1.137(b) and renewed "Petition To Correct Inventorship In Patent Application Under 37 CFR 1.48(a) and Response To Notification Of Defective Response Dated 02 September 2008" considered herein.

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). It is noted that item (4) does not apply to the present application.

With respect to item (1), the "required reply" in this application is a proper response to the "Notification Of Defective Response" (Form PCT/DO/EO/916) mailed 02 September 2008, that is, an oath or declaration in compliance with 37 CFR 1.497 (or a grantable request under 37 CFR 1.497(d) to delete inventor Tomo FUJIMAKI, so as to permit acceptance of the declaration previously filed herein on 26 November 2007). As discussed in the previous decision, applicants have previously submitted the materials required for a grantable request under 37 CFR 1.497(d) to delete inventor Tomo FUJIMAKI, and the present petition was accompanied by a resubmission of such materials. This submission is treated as a renewed request to correct inventorship under 37 CFR 1.497(d), which is hereby granted. In view of the removal of Tomo FUJIMAKI as an inventor of record, the declaration filed on 26 November 2007 is no longer defective. Applicants have therefore submitted the "required reply," that is, an executed declaration in compliance with 37 CFR 1.497. Item (1) of a grantable petition for revival is therefore satisfied.

With respect to item (2), applicants have submitted the required petition fee for the petition for revival. Item (2) is therefore satisfied.

With respect to item (3), the petition includes the required statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Item (3) is therefore satisfied.

Based on the above, applicant has satisfied all the requirements for a grantable petition for revival under 37 CFR 1.137(b).

CONCLUSION

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

The renewed request under 37 CFR 1.1497(d) to remove inventor Tomo FUJIMAKI as an inventor of record is **GRANTED**.

Based on the removal of Tomo FUJIMAKI as an inventor of record, the declaration filed 26 November 2007 may now be accepted under 37 CFR 1.497.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 26 November 2007.

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Mail Date: 04/21/2010

Applicant	: John Sved	: DECISION ON REQUEST FOR
Patent Number	: 7663119	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/659,890	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **42** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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17 MAR 2009

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In re Application of	:	
SEKI et al	:	
Application No.: 11/659, 911	:	
PCT No.: PCT/JP2005/014785	:	
Int. Filing Date: 11 August 2005	:	PETITION UNDER 37 CFR 1.497(d)
Priority Date: 11 August 2004	:	
Attorney's Docket No.: CSP-131-A	:	
For: OBJECT DETECTOR	:	

This decision is in response to applicant's "PETITION TO CORRECT INVENTORSHIP IN PATENT APPLICATION UNDER 37 CFR 1.48(a) AND RESPONSE TO NOTIFICATIOH OF DEFECTIVE RESPONSE" filed in the United States Patent and Trademark Office (USPTO) on 7 October 2008. This petition has been treated as PETITION UNDER 37 CFR 1.497(d) because a Notice of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.495 has not been mailed.

BACKGROUND

On 11 August 2005, applicants filed international application PCT/JP2005/014785, which claims priority of an earlier Japanese application filed 11 August 2004. Accordingly, the thirty month period for paying the basic national stage fee expires at midnight on 12 February 2007 (February 11, 2007 was Sunday). The international application and the earlier filed Japanese application were filed by Tokyo Institute of Technology (Tokyo IT) and Honda Motor Co. Ltd. (Honda) as applicants of the invention. Akihito Seki, Masatoshi Okutomi and Tomo Fujimaki were identified as applicants and inventors.

On 9 February 2007, applicants submitted a Transmittal Letter (Form-1390) for entry of international application PCT/JP2005/014785 into the national stage in the United States, which was accompanied by an Application Data Sheet in which Akihito Seki, Masatoshi Okutomi and Tomo Fujimaki were identified as the inventors.

On 21 March 2008, the Office issued a Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office indicating that an oath or declaration of the inventors, under 37 CFR 1.497 (a) and (b) needed to be filed.

On 22 April 2008, a Response to Notification of Missing Requirements under 37 CFR 371 in the United States Designated/Elected Office was filed which included a declaration signed by two inventors Akihito Seki and Masatoshi Okutomi and a revised Application Data Sheet which identified Akihito Seki and Masatoshi Okutomi as the only inventors.

On April 2008, an Assignment from inventors Akihito Seki and Masatoshi Okutomi to Tokyo IT and Honda was submitted to the Office for recording, and such assignment was recorded on 22 April 2008 at Reel 020915, Frame 0639.

On August 15 2008, the Office issued a Notification of Defective Response indicating that the declaration submitted on 15 April 2008 was defective because it lacked the third inventor's signature.

On 7 October 2008, applicants filed the present petition under 37 CFR 1.497(d) to correct the inventorship.

DISCUSSION

Section 1893.01 (e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92 bis. See 37 CFR 1.41(a)(4). Accordingly, an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied. These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

The declaration filed by applicant on 7 October 2008 names an inventive entity different than that set forth in the international application. Specifically, Tomo Fujimaki has been deleted. Accordingly, Applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted. The present submission includes the required statement of non-deceptive intent from the person to be removed as an inventor (Tomo Fujimaki), as well as the required processing fee $130 as set forth in 37CFR 1.17(i). In addition, applicants has submitted the consent of assignee to the requested change in inventorship, and such consent has been provided in compliance with 37 CFR 3.73(b). Requirement C is therefore also satisfied. Based on the above, applicants have satisfied the requirement of a grantable request to correct the inventors of record under 37 CFR 1.497(d).

CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.497(d) is **GRANTED**.

This application is being referred to the National Stage Processing (DO/EO/US) Branch of the Office of PCT Operations for further processing in accordance with this decision.

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Leonard Smith
Supervisor PCT Legal Examiner
Office of PCT Legal Administration

2 7 SEP 2007

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In re Application of
RODGERS, Michael S.
Application No.: 11/659,912
PCT No.: PCT/US05/28447
Int. Filing Date: 11 August 2005
Priority Date: 11 August 2004
Attorney Docket No.: 3998.52773
For: RETENTIVE CONCRETE MATERIAL

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 30 August 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith

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William Drummond
Law Office of William H. Drummond
P.O. Box 6779
La Quinta, CA 92248

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OCT 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Shaine J. Lavoie, et al.	:	
Application No. 11/659,938	:	DECISION ON PETITION
Filed: February 9, 2007	:	TO WITHDRAW
Attorney Docket No. 821-P-2-US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 18, 2008.

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

A review of the file record indicates that the power of attorney to Law Office of William H. Drummond has been revoked by the assignee of the patent application on May 22, 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: **Greenberg Traurig LLP (LA)**
2450 Colorado Avenue, Suite 400E
Intellectual Property Department
Santa Monica, CA 90404

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Berenato, White & Stavish
65550 Rock Spring Drive
Suite 240
Bethesda, MD 20817

COPY MAILED

AUG 2 6 2009

OFFICE OF PETITIONS

In re Application of	:	
Phillip F. Heller	:	
Application No. 11/659,976	:	DECISION ON PETITION
Filed: August 27, 2007	:	TO WITHDRAW
Attorney Docket No. 3514.221	:	FROM RECORD
	:	

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

The request is **APPROVED**.

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

The request was signed by Joseph W. Berenato, III on behalf of all attorneys/agents associated with customer number 28410. All attorneys/agents associated with customer number 28410 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 inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first named signing inventor at the first copied address below. A courtesy copy of this decision will also be mailed to the address noted on the request. If this person(s) desire to receive future correspondence regarding this application then the proper power of attorney documents must be submitted.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Phillip F. Heller
5901 Arabia Avenue
Baltimore, MD 21214

cc: Office of Technology Transfer
National Institutes of Health
6011 Executive Boulevard Suite 325
MSC 7660
Bethesda, MD 20892-7660

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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
11/659,976	08/27/2007	Phillip F. Heller	3514.221 US

CONFIRMATION NO. 5941

POWER OF ATTORNEY NOTICE

Berenato White & Stavish
6550 Rock Spring Drive Suite240
Bethesda, MD 20817

OC000000037519721

Date Mailed: 08/26/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/10/2009.

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

/kainabinet/

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

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

Mail Date: 04/21/2010

Applicant	: Peter Heidrich	: DECISION ON REQUEST FOR
Patent Number	: 7603977	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/659,986	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/04/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **74** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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0 8 MAY 2007

DOW CORNING CORPORATION CO1232
2200 W. SALZBURG ROAD
P.O. BOX 994
MIDLAND, MI 48686-0994

In re Application of RABE et al	:	
U.S. Application No.: 11/659,988	:	
PCT Application No.: PCT/US2005/030520	:	
Int. Filing Date: 25 August 2005	:	
Priority Date Claimed: 17 September 2004	:	DECISION
Attorney Docket No.: DC10105 PCT1	:	
For: SILOXANE COMPOSITION,	:	
AGGLOMERATE, AND METHOD OF	:	
PREPARING AGGLOMERATE	:	

This is in response to applicant's "Petition to Correct Defects in U.S. National Application Under 37 CFR 1.182" filed 09 April 2007.

BACKGROUND

On 25 August 2005, applicant filed international application PCT/US2005/030520, which claimed priority of an earlier United States application filed 17 September 2004. The thirty-month period for paying the basic national fee in the United States expired on 17 March 2007.

On 12 February 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 09 April 2007, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that the international application number was incorrectly identified in the transmittal letter filed on 12 February 2007. The petition states the correct international application number.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 25 August 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 12 February 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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2 0 AUG 2007

PHARMACIA CORPORATION
GLOBAL PATENT DEPARTMENT
POST OFFICE BOX 1027
ST. LOUIS, MO 63006

In re Application of	:	
Parodi	:	
Application No.: 11/659,996	:	
PCT No.: PCT/IB05/02086	:	
Int. Filing Date: 27 June 2005	:	DECISION
Earliest Priority Date: 08 July 2004	:	
Attorney Docket No.: PC32455	:	
For: Methods For Predicting Therapeutic Response To	:	
Agents Acting On The Growth Hormone Receptor	:	

The petition to revive under 37 CFR 1.137(b) filed 12 February 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." This statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration of the inventors compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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16 JUL 2009

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

In re Application of
SCHENK *et al*
U.S. Application No.: 11/660,015
PCT No.: PCT/US2005/028166
Int. Filing Date: 09 August 2005
Priority Date: 09 August 2004
Docket No.: 015270-008951US
For: PREVENTION AND TREATMENT OF SYNUCLEINOPATHIC AND AMYLOIDOGENETIC DISEASE

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 02 June 2009 is **DISMISSED** without prejudice for the following reason.

The above-captioned application was abandoned for failing to respond to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) mailed 28 December 2007. The Form PCT/DO/EO/905 indicated that a CRF sequence listing, surcharge fee and a declaration in compliance with 37 CFR 1.497(a) and (b) was required.

In the subject petition, applicants have provided a CRF sequence listing which is acceptable. Applicants also claim that a declaration in compliance with 37 CFR 1.497(a) and (b) was previously provided. Applicants state that a declaration was filed 09 February 2007 executed by four of the six inventors and then on 03 April 2008 executed by the remaining two inventors.

A review of the file shows that a declaration was filed on 28 February 2008 (not 09 February 2007) signed by four of the six named inventors. Another declaration was filed on 03 April 2008 executed by the remaining two inventors.

However, the declaration filed 28 February 2008 is not acceptable. The declaration is composed of one page 1 of 2, and two pages 2 of 2. Each page 2 of 2 lists the same inventors, but was separately executed. While it is acceptable for inventors to execute separate copies of the oath or declaration, the complete copy presented to each inventor must be returned to the Office. *See* MPEP § 605.04(a).

The application remains **ABANDONED**.

11/660,015

If reconsideration on the merits of this petition is desired, a proper response containing a complete copy of each declaration signed by the inventors must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely respond may be considered as an intentional delay.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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United States Patent and Trademark Office
P.O. Box 1450
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06 OCT 2009

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
Two Embarcadero Center,
Eighth Floor
San Francisco, CA 94111-3834

In re Application of SCHENK *et al* U.S. Application No.: 11/660,015 PCT No.: PCT/US2005/028166 Int. Filing Date: 09 August 2005 Priority Date: 09 August 2004 Docket No.: 015270-008951US For: PREVENTION AND TREATMENT OF SYNUCLEINOPATHIC AND AMYLOIDOGENETIC DISEASE	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicants' renewed petition to revive under 37 CFR 1.137(b) filed on 02 September 2009 is hereby **GRANTED** as follows:

The subject application was abandoned for failing to respond to the Form PCT/DO/EO/905 mailed 28 December 2007. The prior decision noted that the declaration submitted was not acceptable as it was a composite declaration.

In the renewed petition, a complete copy of each declaration was provided. This declaration is in compliance with 37 CFR 1.497(a) and (b). All other items of 37 CFR 1.137(b)[1] were submitted on 02 June 2009.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 09 August 2005, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 02 September 2009.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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[1] The petition fee of $1,620.00 was paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

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2 0 SEP 2007

GREER, BURNS & CRAIN, LTD.
300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606

In re Application of: MCCALL, Floyd, et al. U.S. Application No.: 11/660,021 PCT No.: PCT/US2004/025900 International Filing Date: 10 August 2004 Priority Date: None claimed Attorney's Docket No.: 1332.69906 For: FLUID FLOW METER AND MIXER HAVING REMOVABLE AND REPLACABLE DISPLACEMENT MEMBER	DECISION REGARDING SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to applicants' submission on 08 February 2007 of a declaration executed on behalf of deceased inventor Floyd MCCALL by the deceased inventor's executor Joyann GONGAWARE, considered herein under 37 CFR 1.42 and 1.497.

BACKGROUND

On 10 August 2004, applicants filed international application PCT/US2004/025900. The international application did not claim an earlier priority date, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the international filing date, i.e., 10 February 2007.

On 08 February 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and the declaration considered herein under 37 CFR 1.42 and 1.497.

DISCUSSION

37 CFR 1.42 states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for **both** the deceased inventor and the legal representative must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497).

Here, the declaration filed 08 February 2007 includes the required citizenship, residence, and mailing address information for the person signing the declaration on behalf of the deceased inventor, Joyann GONGAWARE, and it identifies this person as "executor." The declaration also includes the citizenship of the deceased inventor and all other information required under 37 CFR 1.497.

CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Floyd MCCALL is **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 08 February 2007.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Date February 17, 2010

Patent No. :7500405
Inventor(s): :11/660021
Issued :March 10, 2009
Title :FLUID FLOW METER AND MIXER HAVING REMOVABLE AND
:REPLACABLE DISPLACEMENT MEMBER

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rules 1.322 and 1.323.

With respect to the alleged error concerning the deletion of inventors' names; the inventors are printed in accordance with the Declaration submitted at the time of filing the application, ADS or the filing of a petition during pendency. Review of the application file does not reveal a petition/amendment that meet the requirement of changing the inventorship. Accordingly, correction is not warranted under 1.322 or 1.323 as filed.

In view of the foregoing, your request is hereby denied.

However, your attention is directed to 37 C.F.R. 1.324, wherein a request is being made to add or delete inventor(s), after issuance of the patent.

Any inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or 703-756- 1541

Paul G. Juettner
Greer, Burns & Crain, LTD
300 South Wacker Drive, 25th Flr.
Chicago, Ill 60606

/arg

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ALEXANDRIA, VA 22313-1404

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OFFICE OF PETITIONS

In re Application of :
Masami Shibagaki et al :
Application No. 11/660,042 : ON PETITION
Filed: February 12, 2007 :
Attorney Docket No. 0075872-000001

This is a decision on the petition, filed November 10, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 30, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 3742 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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1 5 OCT 2007

GREER, BURNS & CRAIN, LTD.
300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606

In re Application of	:	DECISION ON
Gerrit et al	:	
Application No.: 11/660,081	:	
PCT No.: PCT/EP2004/012932	:	
Int. Filing Date: 15 November 2004	:	PETITION UNDER
Priority Date: 14 November 2003	:	
Attorney's Docket No.: 2322.77591	:	
For: HEAT EXCHANGER AND COLLECTOR/	:	
DRIER UNIT FOR A HEAT EXCHANGER	:	37 CFR 1.137(b)

This decision is in response to applicants' "PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION PURSUANT TO 37 C.F.R. 1.137(b)," filed on 09 February 2007.

BACKGROUND

On 15 November 2004, this international application was filed, claiming an earliest priority date of 14 November 2003.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 14 May 2006. This international application became abandoned with respect to the United States at midnight on 14 May 2006 for failure to pay the required basic national fee.

On 09 February 2007, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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3 0 JUL 2009

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25944
OLIFF & BERRIDGE, PLLC
P.O. Box 320850
Alexandria, VA 22320

In re Application of
NOZAKI *et al*
U.S. Application No.: 11/660,085
PCT No.: PCT/JP2005/013478
Int. Filing Date: 22 July 2005
Priority Date: 05 September 2004
Attorney Docket No.: 131347
For: ELECTRONIC DEVICE INCORPORATING PROJECTOR DEVICE

DECISION

This decision is in response to the papers filed 06 July 2007 which are treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 13 February 2007, applicants filed papers to enter the national stage of PCT/JP2005/013478.

On 21 February 2007, an executed declaration in compliance with 37 CFR 1.497(a) and (b) was filed.

On 06 June 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the English translation filed with the papers on 13 February 2007 was defective. The translated claims and drawings were missing. A two-month time limit in which to respond was set with extensions of time available.

On 06 July 2007, applicants filed the subject petition which was accompanied by, *inter alia*, copies of the translated claims and drawings purportedly filed 13 February 2007 and a date-stamped postcard receipt for the 13 February 2007 submission.

On 18 December 2007, a status inquiry was filed.

DISCUSSION

A review of the subject application shows that the Form PCT/DO/EO/905 is correct. There are no English language claims and drawings included as part of the

original submission on 13 February 2007.

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

In this case, applicants have provided a copy of the date-stamped postcard receipt for documents submitted 13 February 2007. The postcard receipt records that among the papers received in the USPTO included a "Spec/12 clm/abs; 6 pp. Drw (Figs 1-6)." The postcard receipt is stamped "OIPE FEB 13 2007" across its face. The name of the applicants, title and docket number are listed on the postcard receipt. Applicants also provided a copy of the English language claims and drawings purportedly filed 13 February 2007.

Applicants have provided *prima facie* evidence that the English translation of the application filed 13 February 2007 included a copy of the claims and drawings.

DECISION

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/905 mailed 19 June 2007 is hereby **VACATED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 22 July 2005 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 21 February 2007.

This application is being forwarded to the Office of Patent Application Processing for further processing in accordance with this decision.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

Mail Date: 04/29/2010

Applicant	: Sakayu Shimizu	: DECISION ON REQUEST FOR
Patent Number	: 7615364	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/660,093	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/13/2007	: 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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KELLEY DRYE & WARREN LLP
400 ALTLANTIC STREET, 13TH FLOOR
STAMFORD, CT 06901

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OFFICE OF PETITIONS

In re Application of	:	
Paul LOOS	:	
Application No. 11/660,111	:	DECISION ON PETITION
Filed: April 9, 2008	:	TO WITHDRAW
Attorney Docket No. ABP-101 (PCT/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 July 31, 2008.

The request is **NOT APPROVED.**

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

The request cannot be approved because there is no indication that the acts noted above have been performed.

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

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15 MAR 2007

The Farrell Law Firm
333 Earle Ovington Blvd, Suite 701
Uniondale, NY 11553

In re Application of	:	
LIM et al.	:	
Application No.: 11/660,152	:	DECISION ON PETITION
PCT No.: PCT/KR04/02902	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 10 November 2004	:	
Priority Date: 26 July 2004	:	
Attorney Docket No.: 1403-68 PCT-US . . .	:	
For: SIGNAL TRANSMITTING AND RECEIVING DEVICE AND METHOD OF MOBILE COMMUNICATION SYSTEM		

The petition to revive under 37 CFR 1.137(b) filed 13 February 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement that the "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith

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

2 6 SEP 2007

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of:	
MIRZOEV et al.	
U.S. Application No.: 11/660,164	DECISION ON PETITION
PCT No.: PCT/RU2003/000507	
International Filing Date: 19 November 2003	
Priority Date: None claimed	
Atty Docket No.: 0566269-0024	
For: METHOD FOR INCREASING OILFIELD RECOVERY RATES AND OIL PRODUCTION	

The petition for revival under 37 CFR 1.137(b) filed 14 February 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement that "the entire delay in filing the required reply from the due date for reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3).

Applicants have submitted the small entity basic national fee, and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the national stage in the United States of America.

It is noted that applicants' 14 February 2007 submission to initiate the present national stage application included an executed declaration in compliance with 37 CFR 1.497 and a translation of the international application into English. Deposit Account No. 50-0417 will be charged the surcharge and processing fees required for filing the declaration and the translation later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 14 February 2007.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

12 MAY 2008

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FRIEDRICH KUEFFNER
317 MADISON AVENUE, SUITE 910
NEW YORK NY 10017

In re Application of	:	
FELDHAHN et al.	:	DECISION on
Application No.: 11/660,173	:	
PCT No.: PCT/DE05/01549	:	
In. Filing Date: 02 September 2005	:	REQUEST
Priority Date: 03 September 2004	:	
Atty. Docket No.: HKH-44PCT	:	
For: RESPIRATOR	:	

This is in response to applicant's "Request for Refund" filed 14 March 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 14 February 2007, within the thirty month deadline, applicant filed a transmittal letter requesting national stage entry for international application No. PCT/DE05/01549 along with the basic national fee.

On 28 December 2007, a Notification of Acceptance was mailed.

On 14 March 2008, applicant filed the instant request for refund of $1000 to his deposit account.

DISCUSSION

Applicant acknowledges payment of $1,475 for the filing fee and 39 claims in excess of 20 and the recordation fee of $40. On 28 December 2007, the USPTO charged $800 in claim fees for 32 claims in excess of 20 and for the national stage search fee of $200 to applicant's deposit account. It is the $1000 amount for which applicant requests a refund.

A review of the finance records for this application (which claims small entity status) reveals that the USPTO charged applicant's credit card $150 basic national stage fee (fee code 2631), $250 national search fee (fee code 2632), $100 national examination fee (fee code 2633) and $975 fees for claims in excess of 20 (fee code 2615) on 14 February 2007. Thereafter, on 28

December 2007, after a USPTO fee review, the $250 national search fee and $975 fees for claims in excess of 20 were refunded. At the same time, the $200 national search fee and $800 in fees for claims in excess of 20 were charged to applicant's deposit account..

A USPTO review of the claims reveals that after amendment, 2 claims are independent claims and 57 are dependent claims. This amounts to 39 claims in excess of 20 which are charged at $25 each (small entity). Thus, the claim fee for claims in excess of 20 is $975 (39 x $25), not $800 as previously charged. The revised national search fee of $250 reflects the fact the search report was prepared by an authority (EPO) other than the US and provided to the USPTO.

CONCLUSION

Based on the above, the refund of the Request For Refund is **DISMISSED WITHOUT PREJUDICE**.

Applicant's deposit account will be refunded the $800 and will be charged $975, for 39 claims in excess of 20 claims.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: 571-272-3286

1 7 JAN 2008

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22890
Richard D. Clarke
LAW OFFICE OF RICHARD D. CLARKE
3755 Avocado Blvd., #1000
La Mesa, CA 91941-7301

In re Application of
WING *et al*
U.S. Application No.: 11/660,185
PCT No.: PCT/US2005/013482
Int. Filing Date: 20 April 2005
Priority Date: 20 April 2004
Attorney Docket No.: 07-HTP/108 US
For: SELF TUNING HIGH VOLTAGE POWER SUPPLY

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 14 February 2007 is hereby **GRANTED** as follows:

The basic national fee and petition fee for a small entity have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration pursuant to PCT Rule 4.17(iv) was filed in the international application.

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

James Thomson
James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

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OFFICE OF PETITIONS

In re Application of	:	
Gary Robert William Pitt	:	
Application No. 11/660,207	:	DECISION ON PETITION
Filed: May 16, 2008	:	TO WITHDRAW
Attorney Docket No. 040283-0232	:	FROM RECORD

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 **NOT APPROVED**.

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

The request cannot be approved because attorney has not provided a new change of correspondence address for the applicant.

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

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

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

19 NOV 2008

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

In re Application of	:	
VALADON et al.	:	
Application No.: 11/660,219	:	DECISION ON
PCT No.: PCT/GB2005/003114	:	
Int. Filing Date: 05 August 2005	:	PETITION UNDER
Priority Date: 16 August 2004	:	
Attorney Docket No.: 09826.0009	:	37 CFR 1.137(b)
For: SOFT DECISION ENHANCEMENT	:	

This decision is in response to applicants' submission filed 16 September 2008.

BACKGROUND

On 05 August 2005, applicants filed international application PCT/GB2005/003114 which designated the U.S. and claimed a priority date of 16 August 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 23 February 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 16 February 2007.

On 15 February 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 18 July 2007, a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) was mailed indicating, *inter alia*, that a declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required.

On 25 August 2008, a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) was mailed indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 18 July 2007 within the time period set therein.

On 16 September 2008, applicant filed the instant petition under 37 CFR 1.137(b) and a declaration of the inventors.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted a declaration of the inventors on 16 September 2008.

As to item (2), applicant submitted the petition fee on 16 September 2008.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventors filed 16 September 2008 is in compliance with 37 CFR 1.497(a)-(b).

Fees

The surcharge under 37 CFR 1.492(h) of $130 for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage has been charged to Deposit Account 502117.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450,

Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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BAE SYSTEMS
P.O. Box 868
Nashua, NH 03061-0868

In re Application of:
Paul A. Zank
Serial No.: 11/660,248
Filed: February 13, 2007
Docket: 20040048 US

Title: LORAN-BASED UNDERGROUND GEOLOCATION, NAVIGATION AND COMMUNICATION 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 February 13, 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 and contains more than 20 claims contrary to requirements 2 and 4 above. It appears that the petition was filed under the criteria that was in effect before the change to practice for petitions to make special as indicated above. Petitioner is referred to the notice published in the Federal Register mentioned above.

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 at (571) 272-6587.

Kenneth J. Dorner
Quality Assurance Specialist
Technology Center 3600

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	: Hermann Mayer	: DECISION ON REQUEST FOR
Patent Number	: 7576685	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/660,261	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2007	: 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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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 05/25/2010

Applicant	: Dieter Stein	: DECISION ON REQUEST FOR
Patent Number	: 7623244	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/660,269	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/01/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **119** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

0 2 MAY 2008

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NATH & ASSOCIATES
112 South West Street
Alexandria VA 22314

In re Application of Goldberg et al. Application No.: 11/660,276 PCT No.: PCT/CA2005/000322 Int. Filing Date: 25 February 2005 Earlier Priority Date: 27 February 2004 Attorney Docket No.: 28049U For: Bone Sialoprotein Collagen-Binding Peptides	:	DECISION

The petition to revive under 37 CFR 1.137(b) filed on 16 February 2008 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "The unintentional delay in filing the national stage of the application the United States as an elected office by the 30th month after the filing of the priority application until the filing of this petition was unintentional." In the accompanying "Statement That Entire Delay In Filing Was Unintentional," it is indicated that "Applicant, through the undersigned attorney, states that the entire delay in filing this entry into the national phase due 27 August 2006, until the filing of this statement and the attached Petition under 37 CFR 1.137(b), is unintentional, as required by 37 CFR 1.137(b)3." This is being construed as a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement is not correct. Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and the petition fee has also been paid. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

Inspection of the declaration filed on 16 February 2008 reveals that it has not been executed by the inventors. Therefore, it would not be appropriate to accept the declaration at this time.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

2 8 MAR 2008

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

In re Application of HADJIOANNOU et al	:	
U.S. Application No.: 11/660,298	:	
PCT Application No.: PCT/US2005/028792	:	
Int. Filing Date: 12 August 2005	:	
Priority Date Claimed: 13 August 2004	:	DECISION
Attorney Docket No.: 55817/R268	:	
For: METHOD AND APPARATUS FOR ANIMAL POSITIONING IN IMAGING SYSTEMS	:	

This is in response to applicant's "Petition to Change Spelling of Inventor's Name (37 CFR 1.182) filed 06 March 2008.

BACKGROUND

On 12 August 2005, applicant filed international application PCT/US2005/028792, which claimed priority of an earlier United States application filed 13 August 2004. The thirty-month period for paying the basic national fee in the United States expired on 13 February 2007.

On 13 February 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 September 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 06 March 2008, applicant filed the present petition under 37 CFR 1.182 along with executed declarations.

DISCUSSION

MPEP 1893.01(e), Correction of Inventorship, states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name

> indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

Pursuant to MPEP 605.04(c), a petition to change an inventor's name must include the appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected or a copy of the court order. In the present case, the requisite petition fee has been provided. However, the statement from the inventor fails to set forth both names and either the procedure whereby the name change was effected or a copy of the court order.

Applicant is further advised that the declarations filed with the petition are improper. Specifically, it is not acceptable to combine pages (e.g. signature pages) from different copies of a declaration into a single document. Pages 1 and 3 of the declaration which bear the facsimile notation "03/03/2008 11:40 3102069934" appear to be from the same document. Page 2 of the declaration which does not bear any facsimile notation appears to be from a different document. Page 3 of the declaration which bears the facsimile notation "Mar-06-08 13:38 From-UCLA" appears to be from yet another document. Applicant must submit either: (1) a single complete declaration which is presented to and executed by all of the inventors or (2) multiple complete declarations, wherein all of the inventors are presented with and execute at least one of the multiple complete declarations. It is emphasized that the entire document or true copy thereof which is executed by an inventor must be furnished.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182". No additional petition fee is required.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

2 3 JUL 2008

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

In re Application of HADJIOANNOU et al	:	
U.S. Application No.: 11/660,298	:	
PCT Application No.: PCT/US2005/028792	:	
Int. Filing Date: 12 August 2005	:	
Priority Date Claimed: 13 August 2004	:	DECISION
Attorney Docket No.: 55817/R268	:	
For: METHOD AND APPARATUS FOR ANIMAL POSITIONING IN IMAGING SYSTEMS	:	

This is in response to applicant's " Renewed Petition Under 37 CFR §1.182" filed 20 June 2008.

BACKGROUND

On 12 August 2005, applicant filed international application PCT/US2005/028792, which claimed priority of an earlier United States application filed 13 August 2004. The thirty-month period for paying the basic national fee in the United States expired on 13 February 2007.

On 13 February 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 September 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 06 March 2008, applicant filed a petition under 37 CFR 1.182 along with executed declarations.

On 28 March 2008, this Office mailed a decision dismissing the 06 March 2008 petition and noting that the accompanying declarations were improper.

On 20 June 2008, applicant filed the present renewed petition under 37 CFR 1.182.

DISCUSSION

MPEP 1893.01(e), Correction of Inventorship, states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

Pursuant to MPEP 605.04(c), a petition to change an inventor's name must include the appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected or a copy of the court order. The requisite petition fee has previously been provided. The renewed petition includes an appropriate statement setting forth both names and the procedure whereby the name change was effected.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 12 August 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 20 June 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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

Mail Date: 06/23/2010

Applicant	: Zalman Peles	: DECISION ON REQUEST FOR
Patent Number	: 7634972	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/660,310	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/15/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **207** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

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OFFICE OF PETITIONS

Applicant: Harada, et al.
Appl. No.: 11/660,325
International Filing Date: August 24, 2005
Title: PUNCH, AND ROTARY COMPRESSION MOLDING MACHINE USING THE SAME
Attorney Docket No.: 071211
Pub. No.: US 2008/0092706 A1
Pub. Date: April 24, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 7, 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 extra inventors' names were published. Additionally, some of the assignees data is incorrect.

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

The error on the front page of the publication wherein additional inventors were printed and some of the assignee information is incorrect does 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.

A guide for filing a request for a Pre-Grant Publication 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

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MERCK
P O BOX 2000
RAHWAY NJ 07065-0907

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JUN 18 2010

OFFICE OF PETITIONS

In re Application of
Keen et al.
Application No. 11/660,334
Filed: February 15, 2007
Attorney Docket No. T1662P
Title: ENANTIOSELECTIVE SYNTHESIS OF 13-OXOTRICYCLO[8.2.1.0. 3,8] TRIDECA-3(8),4,6-TRIENE-5-CARBOXYLATES

ON APPLICATION FOR PATENT TERM ADJUSTMENT

This is a decision on the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT INDICATED IN THE NOTICE OF ALLOWANCE AND APPLICATION FOR PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. §1.705 (b)," filed October 16, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is four hundred seven (407) days, not four hundred two (402) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment.

The request for review of the patent term adjustment is **DISMISSED**.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

On August 7, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated the patent term adjustment to date is 402 days. Applicants dispute the calculations.

The Office has considered applicants' argument and finds it unpersuasive that an adjustment is warranted. Applicants contend a 407 day, instead of 402 day adjustment is required for failure by the Office to mail at least one of the notifications under 35 U.S.C. 132 not later than fourteen months after the date on

which the application fulfilled the requirements under 35 U.S.C. 371, pursuant to 37 CFR §1.702(a)(1).

A restriction requirement was mailed on May 27, 2009, which is 14 months and 402 days after the application fulfilled the requirements of 35 U.S.C. 371 on February 20, 2007. Applicants contend fulfillment of the application was met on February 15, 2007.

A review of the record shows that the requirements of 35 U.S.C. 371 were fulfilled on February 20, 2007. As early commencement was not requested, the last of 371 requirements to be completed was commencement at 30 months on February 20, 2007. Thus, the mailing of the restriction requirement on May 27, 2009, is 14 months and 402 days after fulfillment

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is 402 days.

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].

---

[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.

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

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

Telephone inquiries specific to this matter should be directed to Petitions Attorney Charlema Grant, at (571) 272-3215.

Anthony Knight
Director
Office of Petitions

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TECHNOLOGY CENTER 2600

WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON DC 20006

In re Application of	:	
TOMA, TADAMASA, et al.	:	DECISION ON REQUEST TO
Application No. 11/660,335	:	PARTICIPATE IN PATENT
Filed: February 15, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. **2007-0222A**	:	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 January 30, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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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18 JAN 2008

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
YOON	:	
Application No.: 11/660,337	:	
PCT No.: PCT/KR05/01714	:	DECISION ON PETITION
Int. Filing Date: 08 June 2005	:	
Priority Date: 08 July 2004	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 3449-0783PUS1	:	
For: METHOD AND APPARATUS FOR CONTROL-	:	
LING WATER SUPPLY OF WASHING	:	
MACHINE	:	

The petition to revive under 37 CFR 1.137(b) filed 15 February 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States were satisfied with the filing of an executed declaration of the inventor.

The application has an international filing date of 08 June 2005 under 35 U.S.C. 363 and will be given a date of **15 February 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4). This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

2 8 MAR 2007

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Blakely Sokoloff Tatkir & Zafman
12400 Wilshire Boulevard 7th floor
Los Angeles CA 90025

In re Application of	:	
ZENATI et al.	:	
Application No.: 11/660,389	:	DECISION
PCT No.: PCT/FR2005/002064	:	
Int. Filing Date: 10 August 2005	:	
Priority Date: 17 August 2004	:	
Attorney's Docket No.: 15675P651	:	
For: LIQUID CRYSTAL DISPLAY COMPRISING	:	
IMPROVED SWITCHING MEANS AT THE	:	
DISPLAY PERIPHERY	:	

This decision is in response to applicants' petition under 37 CFR 1.10(c) filed on 16 March 2007 in the United States Patent and Trademark Office (USPTO)

BACKGROUND

On 10 August 2005, applicants filed international application PCT/FR2005/002064 which designated the U.S. and claimed a priority date of 17 August 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 02 March 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 20 February 2007 (17 February 2007 being a Saturday and 19 February 2007 being a Federal holiday).

On 16 February 2007, the United States Designated/Elected Office (DO/EO/US) received a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 16 March 2007, applicant submitted the instant petition under 37 CFR 1.10(c). The petition was accompanied by, *inter alia*, a copy of a postcard receipt date-stamped 16 February 2007 by the USPTO, and a copy of the Customer Copy of the "Express Mail Post Office to Addressee" mailing label #EV612532229US. The mailing label appears to show a date of "21307" in the "Date Accepted" box.

DISCUSSION

The evidence of record is sufficient to establish with reasonable certainty that the application papers and basic national fee were deposited with the United States Postal Service as an "Express Mail Post Office to Addressee" mailing on 13 February 2007. Specifically, the

"Express Mail" label number ("EV612532229US") appears on the application papers, which also list the above-identified attorney docket number and title. As discussed above, the copy of the Customer Copy of this "Express Mail" label appears to show a "Date Accepted" of 13 August 2007. However, the "Date Accepted" is a bit difficult to read because of some dark spots in the background of the photocopy. Nevertheless, a printout from the "U.S. Postal Service Track & Confirm" Database (copy enclosed) confirms that the correspondence having this Express Mail mailing label number was accepted by the USPS on 13 February 2007.

CONCLUSION

For the reasons set forth above, applicant's petition under 37 CFR 1.10(c) requesting that the application papers and the basic national fee be accorded a receipt date of 13 February 2007 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

Enc.: copy of a printout from the "U.S. Postal Service Track & Confirm" Database for Express Mail mailing label number EV612532229US

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Search Results

Label/Receipt Number: **EV61 2532 229U S**
Detailed Results:

- **Delivered, February 16, 2007, 9:45 am, ALEXANDRIA, VA 22313**
- **Arrival at Pick-Up-Point, February 15, 2007, 11:20 am, ALEXANDRIA, VA 22313**
- **Arrival at Unit, February 15, 2007, 10:40 am, DULLES, VA 20102**
- **Acceptance, February 14, 2007, 4:17 pm, LOS ANGELES, CA 90009**
- **Enroute, February 13, 2007, 8:13 pm, LOS ANGELES, CA 90009**
- **Acceptance, February 13, 2007, 4:24 pm, LOS ANGELES, CA 90034**

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KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

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OCT 27 2009

OFFICE OF PETITIONS

In re Application of :
Horst Winkelbach, et al. :
Application No.: 11/660,439 : ON PETITION
Filed: February 15, 2007 :
Attorney Docket No.: AIRBUS 3.3-031 :

This is a decision on the petition, filed October 26, 2009, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 21, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2831 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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RONALD E. GREIGG
GREIGG & GREIGG P.L.L.C.
1423 POWHATAN STREET, UNIT ONE
ALEXANDRIA, VA 22314

Mail Date: 04/21/2010

Applicant	: Alessandro De Luca	: DECISION ON REQUEST FOR
Patent Number	: 7571713	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/660,454	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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.
11/660,525	03/15/2007	Hidenori Kitazume	24-050-TN	3085

7590 12/19/2008

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

ART UNIT	PAPER NUMBER
2829	

MAIL DATE	DELIVERY MODE
12/19/2008	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

2 1 JAN 2009

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23400
POSZ LAW GROUP, PLC
12040 South Lakes Drive
Suite 101
Reston, VA 20191

In re Application of :
KITZUME *et al* :
Application No.: 11/660,525 :
PCT No.: PCT/JP2006/301465 :
Int. Filing Date: 30 January 2006 : **DECISION**
Priority Date: None :
Attorney Docket No.: 24-050-TN :
For: PROBE CARD, PRODUCTION :
METHOD THEREOF AND REPAIRING :
METHOD OF PROBE CARD :

This decision is in response to applicants' "Request for Corrected Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" filed on 21 November 2008 which is treated as a petition under 37 CFR 1.181 and is hereby **DISMISSED** as follows:

Applicants request that the "Date of Receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" be amended to 20 February 2007. This request is denied. Applicants submitted a declaration in compliance with 37 CFR 1.497(a) and (b) on 15 March 2007. Thus, the date of completion of 35 U.S.C. 371(c)(4) is 15 March 2007.

Applicants also request that the "Date of Completion of All 35 U.S.C. 371 Requirements" be amended to 15 March 2007. This is similarly denied.

The "Date of Completion of all 35 U.S.C. 371 Requirements" is the latest date of the earlier of 30 months from the priority date, or the date of request for early processing under 35 U.S.C. 371(f). *See* MPEP § 1893.03(b) MPEP. Here, applicants did not request early processing; thus, the "Date of Completion of all 35 U.S.C. 371 Requirements" is the thirty month date, *i.e.*, 30 July 2008.

This application is being forwarded for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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0 3 DEC 2008

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ZALE Patent Law
434 Lackawanna Ave.
Suite 200
Scranton PA 18503-2053

In re Application of	:	DECISION ON
BATZEL, Douglas	:	
Application No.: 11/660,531	:	
PCT No.: PCT/US2005/031405	:	
Int. Filing Date: 02 September 2005	:	PETITION UNDER
Priority Date: 03 September 2004	:	
Attorney Docket No.: W-01023 US Galaxy	:	
For: RESILIENT PIPELINE INSPECTION BRUSH	:	37 CFR 1.181

This decision is in response to the "FAX COVER SHEET" filed 21 May 2008, which is being treated as a petition under 37 CFR 1.181 requesting that the correct date of completion of all USC 371 requirements be changed from 08/30/2007 to 02/19/2007.

BACKGROUND

On 02 September 2005, this international application was filed, claiming an earliest priority date of 03 September 2004. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 03 March 2007.

On 19 February 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and an executed declaration 35 U.S.C. 371(c)(4).

On 14 May 2007, the USPTO mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 C.F.R. 1.495 (Form PCT/DO/EO/903)," indicating that date of receipt of 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) requirements is 19 February 2007, and a date of completion of all 35 USC 371 requirements of 30 August 2005.

On 21 May 2008, applicant filed the current petition pursuant 37 CFR 1.181 request a corrected filing receipt, stating that the date of completion of all 35 USC 371 requirements is 19 February 2007.

DISCUSSION

The date that applicant competed the requirements under section (c)(1), (c)(2), and (c)(4) of 35 USC 371 is 19 February 2007 as indicated in the background section.

Applicant, however, did not elect in the transmittal letter an express request to begin national examination procedure on 19 February 2007[1] rather applicant opted for delay examination until the expiration of the applicable time limit set in 35 USC 371(b), which would be on 03 March 2007.

Since applicant did not choose express request commencement under section (f) of 35 USC 371, then section (b) of 35 USC 371 applied for national stage commencement of this application. Accordingly, 03 March 2007 is the date of completion of all 35 USC 371 requirements because it is the date that the applicable sections of 35 USC 371 were met.

Consequently, the Notification of Acceptance (Form PCT/DO/EO/903) mailed on 14 May 2008 was erroneous because it indicated the Date of Completion of all 35 USC 371 Requirements is 08/30/2007.

DECISION

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

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 14 May 2008 is **VACATED** with the mailing of this decision.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **19 February 2007** and the Date of Completion of all 35 USC 371 Requirements **03 March 2007**.

A new Notification of Acceptance (Form PCT/DO/EO/903) will be mailed in accordance with this decision

If reconsideration of the merits of the petition under 37 CFR 1.181 is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181." Extensions of time are available under 37 CFR 1.136(a).

[1] The date of receipt of 35 USC 371(c)(1), (c)(2), and (c)(4) requirements.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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Facsimile: (571) 273-0459

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19 JUL 2007

THE DOW CHEMICAL COMPANY
INTELLECTUAL PROPERTY SECTION,
P. O. BOX 1967
MIDLAND, MI 48641-1967

In re Application of NIU et al	:	
U.S. Application No.: 11/660,558	:	
PCT Application No.: PCT/US2004/018390	:	
Int. Filing Date: 10 June 2004	:	DECISION
Priority Date Claimed: none	:	
Attorney Docket No.: 63601	:	
For: METHOD OF FORMING A NANOPOROUS DIELECTRIC FILM	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 16 February 2007.

BACKGROUND

On 10 June 2004, applicant filed international application PCT/US2004/018390. The thirty-month period for paying the basic national fee in the United States expired on 10 December 2006.

International application PCT/US2004/018390 became abandoned as to the United States for failure to timely pay the basic national fee.

On 16 February 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a including preparation and mailing of a Notice of Defective Declaration, which should indicate that with regard to the first and fifth inventors, the first and middle names are reversed from those shown in the published international application.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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

MAILED

JUL 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Kosta KAPITOURES	:	
Application No. 11/660,563	:	DECISION ON PETITION
Filed: September 28, 2007	:	TO WITHDRAW
Attorney Docket No. 208.091	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed June 7, 2010.

The request is **NOT APPROVED**.

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

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

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

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

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

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JUL 20 2010

OFFICE OF PETITIONS

In re Application of	
Kosta KAPITOURES	
Application No. 11/660,564	DECISION ON PETITION
Filed: August 14, 2007	TO WITHDRAW
Attorney Docket No. 208.090	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed June 7, 2010.

The request is **NOT APPROVED**.

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

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

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

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

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

1 0 JUN 2008

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IRVINE CA 92614

In re Application of	:	
Millar et al.	:	
Application No.: 11/660,586	:	DECISION
PCT No.: PCT/AU2005/001963	:	
Int. Filing Date: 22 December 2005	:	ON
Priority Date: 23 December 2004	:	
Attorney Docket No.: ALAR15.001APC	:	PETITION
For: Detection Of Human Papilloma Virus	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 10 January 2008.

BACKGROUND

This international application was filed on 22 December 2005, claimed an earliest priority date of 23 December 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 29 June 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 23 June 2007. Applicants filed *inter alia* the basic national fee on 16 February 2007.

On 14 August 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b), as well as the surcharge under 37 CFR 1.492(h). The fee for pages in excess of 100 also was required, as were enumerated requirements pertaining to the sequence listing under 37 CFR 1.821-825.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, the $200.00 petition fee has been paid.

Regarding **requirement (2)**, petitioner seeks relief under 37 CFR 1.47(a) on the basis that joint inventor Dr. Miklos allegedly has refused to execute the application. In support of this position, petitioner presents a "Declaration..." signed by Chris Abbott, who attests on the basis of first-hand knowledge that

> On 2 July 2007, I met with Dr. Miklos, and presented him with a complete set of application papers for the above-referenced application... I was informed by Dr. Miklos at this meeting that he would not sign the declaration document for the above referenced application.

On the basis of the present record, it would be appropriate to conclude that Dr. Miklos has refused to execute the application within the meaning of 37 CFR 1.47(a).

Regarding **requirement (3)**, the petition provides the last known address of the non-signing inventor. Accordingly, requirement (3) has been satisfied.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 10 January 2008 reveals that it nominates "George L. Gabor Miklos" in place of "MIKLOS, George, Gabor, L." named in the published international application (that is, the order of the names has been altered). MPEP 605.04(b) states in part that "Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee." Since the discrepancy present in the declaration represents more than a mere typographical or transliteration error, it would not be appropriate to accept the declaration as filed (in the absence of a grantable petition under 37 CFR 1.182).

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
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Office of PCT Legal Administration
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2 6 AUG 2008

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IRVINE CA 92614

In re Application of	:	
Millar et al.	:	
Application No.: 11/660,586	:	DECISION
PCT No.: PCT/AU2005/001963	:	
Int. Filing Date: 22 December 2005	:	ON
Priority Date: 23 December 2004	:	
Attorney Docket No.: ALAR15.001APC	:	PETITION
For: Detection Of Human Papilloma Virus	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 07 August 2008.

DISCUSSION

In a Decision mailed on 10 June 2008, the petition under 37 CFR 1.47(a) filed on 10 January 2008 was dismissed, without prejudice, because

> Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 10 January 2008 reveals that it nominates "George L. Gabor Miklos" in place of "MIKLOS, George, Gabor, L." named in the published international application (that is, the order of the names has been altered). MPEP 605.04(b) states in part that "Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee." Since the discrepancy present in the declaration represents more than a mere typographical or transliteration error, it would not be appropriate to accept the declaration as filed (in the absence of a grantable petition under 37 CFR 1.182).

In response, petitioner has filed a declaration newly executed by joint inventors Millar and Melki on behalf of themselves and non-signing joint inventor Miklos, which presents Mr. Miklos' names in the same order as the published international application. This declaration is acceptable for purposes of 37 CFR 1.47(a) and 1.497(a) and (b).

DECISION

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

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **07 August 2008**.

/George Dombroske/
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2 6 AUG 2008

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Dr. George Miklos
19 Bungan Head Road
Newport NSW 2108
AUSTRALIA

In re Application of
Millar et al.
Application No.: 11/660,586
PCT No.: PCT/AU2005/001963
Int. Filing Date: 22 December 2005
Priority Date: 23 December 2004
Attorney Docket No.: ALAR15.001APC
For: Detection Of Human Papilloma Virus

Dear Dr. Miklos:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of a joint inventor. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (George Gabor L. MIKLOS) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/AU2005/001963 and was filed on December 22, 2005 in the names of Douglas Spencer MILLAR, George Gabor L. MIKLOS and John R. MELKI for the invention entitled DETECTION OF HUMAN PAPILLOMA VIRUS. The national stage application number is 11/660,586 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of August 7, 2008.

1 5 NOV 2007

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400 Garden City Plaza
Suite 300
Garden City, NY 11530

In re Application of:	:	
IWAMOTO, Kota	:	DECISION ON PETITION
U.S. Application No.: 11/660,611	:	
PCT No.: PCT/JP2005/014979	:	
International Filing Date: 17 August 2005	:	
Priority Date: 19 August 2004	:	
Atty Docket No.: 20807	:	
For: CONTENT RELATED	:	
INFORMATION ACQUIRING	:	
DEVICE, METHOD AND PROGRAM	:	

This decision is issued in response to the "Petition To Withdraw Notification Of Missing Requirements Under 35 U.S.C. 371 And Accord A Filing Date" filed 10 September 2007, treated herein as a petition under 37 CFR 1.181 to confirm the previous filing of a translation of the international into English and an executed declaration. No petition fee is required.

BACKGROUND

On 17 August 2005, applicant filed international application PCT/JP2005/014979. The international application claimed a priority date of 19 August 2004, and it designated the United States. On 23 February 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent And Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 20 February 2007 (19 February 2007 was a federal holiday).

On 20 February 2007, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 08 May 2007, applicant filed a "Submission" accompanied by an English translation of Figure 17 of the international application

On 06 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an English translation of the international application, an oath or declaration in compliance with 37 CFR 1.497, and the processing fee and surcharge for filing these materials later than thirty months after the priority date were required.

On 10 September 2007, applicant filed the petition considered herein. The petition asserts that an English translation of the international application and an executed declaration were included with the national stage materials filed 20 February 2007. A copy of the materials filed on 20 February 2007, as well as a return postcard itemizing the filed materials and bearing a USPTO receipt stamp dated 20 February 2007, was included with the present petition.

DISCUSSION

The return postcard included with the petition bears a USPTO receipt stamp dated 20 February 2007 and it itemizes, among other materials, "Specification; Claims; Abstract (Amended Claims) 71 pages," "11 Sheets of Formal Drawings," and "Declaration/Power of Attorney." Based on the statements in the present petition and the return postcard, it is concluded that the materials accompanying the present petition (i.e., the 71 pages of English language specification, abstract, and claims, the 11 sheets of drawings, and the executed declaration) were originally filed herein on 20 February 2007 (see MPEP section 503).[1]

The declaration attached to the petition is in compliance with 37 CFR 1.497. Based on the above, the executed declaration is treated as filed on 20 February 2007, prior to the expiration of thirty months from the priority date. Accordingly, applicant is not required to pay the surcharge for filing the declaration later than thirty months after the priority date. Applicant's surcharge payment will be refunded to applicant's Deposit Account.

A review of the purported English translation of the international application filed 20 February 2007 reveals that such translation was incomplete. Specifically, the copy of Figure 17 included with the 20 February 2007 filing included non-translated Japanese text. See MPEP section 1893.01(d):

> The translation must be a translation of the international application as filed or with any changes which have been properly accepted under PCT Rule 26 or any rectifications which have been properly accepted under PCT Rule 91. A translation of less than all of the international application (e.g., a translation that fails to include a translation of text contained in the drawings or a translation that includes a translation of claims amended under PCT Article 19 or 34 but does not include a translation of the original claims) is unacceptable.

However, as noted above, an English translation of Figure 17 was filed on 08 May 2007. Because this date is after the expiration of thirty months from the priority date, the processing fee for failure to timely file the English translation was appropriately required.

In light of the above, the Notification Of Missing Requirements mailed 06 August 2007, based as it was on applicant's purported failure to previously file an executed declaration and an English translation of the international application, is appropriately vacated.

---

[1] The statements in the petition, including the statement that "we are enclosing copies of the English Translation and Declaration," are interpreted as a statement that the enclosed copies are true and correct copies of the English translation and declaration materials originally filed on 20 February 2007 and itemized on the return postcard. Petitioner must inform this Office immediately if this is not a proper interpretation of petitioner's statements.

CONCLUSION

The petition to withdraw the Notification Of Missing Requirements mailed 06 August 2007 is **GRANTED**.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 06 August 2007 is hereby **VACATED**.

The declaration and English language translation of the international application included with the present petition are treated as having been filed herein on 20 February 2007.

The declaration satisfies the requirements of 37 CFR 1.497.

A refund of the $130 surcharge for filing the declaration later than thirty months after the priority date will be refunded to applicant's Deposit Account.

The English translation of the international application filed 20 February 2007 is incomplete in that a translation of Figure 17 was not included. The English translation of the international application was completed by applicant's submission of a translation of Figure 17 on 08 May 2007.

This application is being returned to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 08 May 2007.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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

Mail Date: 04/21/2010

Applicant	: Arno Friedrichs	: DECISION ON REQUEST FOR
Patent Number	: 7596823	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/660,615	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **13** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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19 MAR 2008

Simon Palushaj
Epoxi Tech
32700 Industrial drive
Madison Heights MI 48071

In re Application of PALUSHAJ Application No.: 11/660,623 PCT No.: PCT/US05/17849 Int. Filing: 20 May 2005 Priority Date: 21 May 2004 Attorney Docket No.: 1591.3022.003 For: ABRASIVE CLEANING DEVICE	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 16 February 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the"entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $150 has now been provided. The required petition fee of $750 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 16 February 2007.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286

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10 DEC 2007

Grant E. Pollack
POLLACK, P.C.
The Chrysler Bldg.
132 East 43rd Street, Suite 760
New York, NY 10017

In re Application of:
BERNARDESCHI, Luigi
U.S. Application No.: 11/660,635
PCT No.: PCT/IT2005/000325
Int. Filing Date: 21 December 2005
Priority Date: 22 December 2004
Attorney Docket No.: 1014.1069
For: OUTSOLE STRUCTURE FOR A SHOE, METHOD FOR ASSEMBLING THE OUTSOLE TO AN UPPER . . .

DECISION

This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 21 February 2007 which is hereby **GRANTED** as follows:

The basic national fee, search fee, examination fee, and petition fee for a small entity have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. All requirements of 37 CFR 1.137(b) are satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was provided.

This application is being forwarded to the Office of Patent Application Processing for the mailing of a Form PCT/DO/EO/905 requesting a surcharge fee for late filing of the declaration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

'2 JUL 2009

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

In re Application of WATT et al. Application No.: 11/660,713 PCT No.: PCT/AU05/01255 Int. Filing Date: 22 August 2005 Priority Date: 20 August 2004 Attorney Docket No.: 273402006600 For: PEPTIDE INHIBITORS OF C-JUN DIMERIZATION AND USES THEREOF	DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on applicant's request for correction of inventorship, filed in the United States Patent and Trademark Office (USPTO) on 20 October 2008 in the above referenced application. For the reasons set forth below, the petition is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 20 February 2007, applicant filed a request entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 25 August 2008, a Notification of Missing Requirements was mailed to applicant, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

DISCUSSION

At the outset, it is noted that 37 CFR 1.48(a) is directed to non-provisional applications. A national stage application is not considered a non-provisional application until the requirements of 35 U.S.C. 371 are complete. Thus, a petition under 37 CFR 1.48(a) does not apply to the instant application at this time. Such request to correct inventorship is treated as a petition under 37 CFR 1.497(d), to correct an inventive entity if different from the inventive entity identified in the international application.

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(h); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

Petitioner provided the statement of Trevor Payne, the inventor to be deleted, in support of the correction of inventorship under 37 CFR 1.497(d). A review of the application file reveals that the petition fee of $130 was paid. Applicant also submitted the written consent of the assignee to delete Trevor Payne as an inventor.

With regard to applicant's petition, applicant satisfied the requirements of 37 CFR 1.497(d) and met all of the requirements to delete Trevor Payne as an inventor in the above-identified international application.

The declaration filed on 20 October 2008 meets the requirements of 37 CFR 1.497(a) and (b) as it identifies the application, the inventors and provides their respective citizenship. An Application Data Sheet accompanied the declaration. The $130 surcharge for filing the declaration after the thirty month period was charged to applicant's deposit account per his authorization.

CONCLUSION

Applicant's petition under 37 CFR 1.497(d) to delete inventor Trevor Payne is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The $130 surcharge for filing the declaration after the thirty month period was charged to applicant's deposit account. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **20 October 2008.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571)272-3286
Facsimile: (571)273-0459

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FALLS CHURCH, VA 22040-0747

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OFFICE OF PETITIONS

In re Application of	:	
Bong-Jun CHOI, et *al.*	:	
Application No. 11/660,735	:	DECISION GRANTING PETITION
Filed: October 11, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **5145-0107PUS1**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 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 October 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) 272-7253.

This application is being referred to Technology Center AU 2937 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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OCT 22 2007

TECHNOLOGY CENTER 2800

Westerman, Hattori, Daniels
& Adrian, LLP
1250 Connecticut Avenue, NW
Suite 700
Washington, D.C. 20036

In re Application of	:	**DECISION ON REQUEST TO**
Hiroaki MIZUSHIMA *et. al.*	:	**PARTICIPATE IN PATENT**
Application No. 11660738	:	**PROSECUTION HIGHWAY**
Filed: February 22, 2007	:	**PILOT PROGRAM AND PETITION**
Attorney Docket No. 071237	:	**TO MAKE SPECIAL UNDER**
For: METHOD OF PRODUCING POLARIZING PLATE, POLARIZING PLATE, OPTICAL FILM, AND IMAGE DISPLAY HEREWITH	:	**37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed August 6, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, or a national stage application under PCT which validly claims priority under 35 U.S.C. 119(a)/365(b) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

As to requirement (1), the instant US application 11/660,738 is a national stage application of PCT/JP06/00730, which claims priority to JP 2005-012352. Since the allowed Japanese application JP 2006-010763 claims domestic priory to JP 2005-012352, and the claims of the

instant US application correspond to the allowed claims of JP 2006-010763, the claims of JP 2006-010763 must have support in JP 2005-012352.

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

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

The application is currently in pre-examination. The application will be forwarded to the examiner for action on the merits commensurate with this decision once the pre-examination process is completed.

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

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ARENT FOX LLP
1050 CONNECTICUT AVENUE NW, SUITE 400
WASHINGTON, DC 20036

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APR 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Hidekazu TAKAHASHI	:	
Application No. 11/660,745	:	DECISION GRANTING PETITION
Filed: February 22, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **108179-00060**	:	

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 3, 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 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

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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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WASHINGTON, DC 20038-7613

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OFFICE OF PETITIONS

In re Application of	:	
Naotake OZAKI, et al	:	
Application No. 11/660,749	:	DECISION ON PETITION
Filed: August 20, 2007	:	TO WITHDRAW
Attorney Docket No. TAK-192-PCT	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 17, 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, transfer of files to new firm, does not meet any of the conditions set forth in 37 CFR 10.40.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: RANKIN, HILL & CLARK LLP
925 EUCLID AVENUE, SUITE 700
CLEVELAND, OH 44115-1405

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2033 K. STREET, NW
SUITE 800
WASHINGTON DC 20006

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JUL 24 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
TOMA, TADAMASA, et al.	:	DECISION ON REQUEST TO
Application No. 11/660,750	:	PARTICIPATE IN PATENT
Filed: February 22, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 2007_0244A	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 23, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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FALLS CHURCH VA 22040-0747

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OFFICE OF PETITIONS

In re Application of

Finn Hjeldnes

Application No. 11/660,763

Filed: July 31, 2007

Attorney Docket No. 4566-0125PUS1

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed February 17, 2009.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on November 1, 2008, after it was believed that a timely response was not received to the non-final Office action mailed July 31, 2008. The notice allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on February 9, 2009, indicating that a reply to the notice was not received.

A review of the application file record did reveal that response to the non-final Office was filed on February 2, 2009, with a request for an extension of time within the third month. The response is timely because January 31, 2008, was a Saturday and February 1, 2009, was a Monday. The first date on which petitioner could file a response was Monday, February 2, 2009. Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the statutory period for reply. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded Technology Center 3700, GAU 3753, for further processing, including processing of the response filed February 2, 2009.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

Francis C. Hand
Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart &
5 Becker Farm
Roseland NJ 07068

In re Application of :
Andreas Christel et al. :
Application No. 11/660,776 : ON PETITION
Filed: February 21, 2007 :
Attorney Docket No. **76775.21** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 6, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 13, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A two (2) months extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is June 14, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1796 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

JoAnne Burke
Petitions Examiner
Office of Petitions

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E I Dupot De Nemours and Company
Legal Patent Records Center
4417 Lancaster pike
Wilmington, DE 19805

Mail Date: 04/21/2010

Applicant	: Marc B. Goldfinger	: DECISION ON REQUEST FOR
Patent Number	: 7671083	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/660,797	: OF WYETH
Filed	: 02/21/2007	:
		:

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

Mail Date: 06/09/2010

Applicant	: Sung Ho Lee	: DECISION ON REQUEST FOR
Patent Number	: 7629786	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/660,808	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/22/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **245** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

0 6 DEC 2007

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170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of: HANSEN, Christian, et al.
U.S. Application No.: 11/660,814
PCT No.: PCT/EP2005/053902
International Filing Date: 08 August 2005
Priority Date: 26 August 2004
Attorney's Docket No.: 2004P12591WOUS
For: SURFACE COMPRISING A MICROSTRUCTURE THAT REDUCES ADHESION AND ASSOCIATED PRODUCTION METHOD

DECISION

This decision is issued in response to the "Response To Notification Of Missing Requirements" filed 24 September 2007, treated herein as a request for acceptance of the declaration filed 22 February 2007. No petition fee is required.

BACKGROUND

On 08 August 2005, applicants filed international application PCT/EP2005/053902. The application claimed a priority date of 26 August 2004, and it designated the United States. On 02 March 2006, The International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 26 February 2007. The published international application identified a corporate applicant for all states other than the U.S., and three applicant/inventors for the U.S.: Christian HANSEN, Ursus KRUGER, and Manuela SCHNEIDER.

On 22 February 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, a translation of the international application into English, and an executed declaration.

The name of the first inventor listed on the declaration was not consistent with the name of the first inventor on the published international application. Specifically, the first inventor was identified as Christian DOYE on the declaration and as Christian HANSEN on the published international application.

On 09 July 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required. The Notification indicated that the previously filed declaration was not acceptable under 37 CFR 1.497 because of the discrepancy in the first inventor's name, and it noted that the file did not include an "IB Form 306 indicating any changes."

On 24 September 2007, applicants filed the "Response To Notification Of Missing Requirements" considered herein (Deposit Account No. 19-2179 will be charged the one-month extension fee required). The submission asserts that a new declaration is not required because a name change notification had been sent to the IB regarding the change in the first inventor's name (a copy of the materials submitted to the IB are included).

DISCUSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states that "[t]he inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*." Here, the name of the first inventor set forth in the international application is Christian HANSEN. Applicants' present submission asserts that a request to change this inventor's name has been submitted to the IB; however, applicant has not provided a Form PCT/IB/306 confirming that the IB has entered this requested change. In addition, the bibliographic information for this application listed on the WIPO website continues to list this inventor's name as Christian HANSEN. Thus, the present record does not indicate that a change in the first inventor's name has been "effected under PCT Rule 92*bis*." Accordingly, the name of record for the first inventor remains Christian HANSEN and the declaration filed 22 February 2007 remains defective for failure to properly identify the inventorship herein.

MPEP section 1893.01(e) states the following regarding changes in an inventor's name:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

In the present application, the discrepancy between the first inventor's name as listed in the international application (HANSEN) and in the filed declaration (DOYE) is more than a "typographical or transliteration error." In fact, the present submission expressly states that the inventor's name changed after the filing of the international application as the result of marriage. **Accordingly, before the declaration filed 22 February 2007 can be accepted, applicants must submit either a grantable petition under 37 CFR 1.182 to correct the name of record for the first inventor or an adequate showing that the change in this inventor's name was effected under PCT Rule 92bis during the international phase (i.e., a Form PCT/IB/306).**

Section 605.04(c) of the MPEP, referred to above, sets forth the requirements for a petition under 37 CFR 1.182 to correct an inventor's name. According to the MPEP, such a petition "must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order."

Based on the above, on the present record, the declaration filed 22 February 2007 remains defective (it is noted that applicants have also failed to pay the surcharge required by the Form PCT/DO/EO/905). Applicants' 24 September 2007 submission is therefore a defective response to the Notification Of Missing Requirements mailed 09 July 2007.

CONCLUSION

Applicants' request for acceptance of the declaration filed 22 February 2007 is **DISMISSED** without prejudice.

On the present record, the name of record for the first inventor herein remains Christian HANSEN. The declaration filed 22 February 2007, which identifies this inventor as Christian DOYE, remains defective for failure to properly identify the inventors of record herein.

Applicants have **ONE (1) MONTH** from the mail date of this decision to submit a proper response consisting of either an acceptable oath or declaration in compliance with 37 CFR 1.497 (with the late-filing surcharge) or the materials required to permit acceptance of the declaration filed 22 February 2007, that is, a grantable petition under 37 CFR 1.182 to correct the name of record for the first inventor to Christian DOYE, as discussed above, or a Form PCT/IB/306 confirming that the change in the first inventor's name from Christian HANSEN to Christian DOYE was effected under PCT Rule 92*bis* during the international phase.

Extensions may **not** be obtained under 37 CFR 1.136(a) with respect to the above one-month deadline; however, the period for response set in the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 09 July 2007 may be extended under 37 CFR 1.136(a).

Failure to file a proper and timely response will result in abandonment of the application.

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

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1 1 JAN 2008

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In re Application of: HANSEN, Christian, et al.	
U.S. Application No.: 11/660,814	DECISION ON PETITION
PCT No.: PCT/EP2005/053902	(37 CFR 1.182)
International Filing Date: 08 August 2005	
Priority Date: 26 August 2004	
Attorney's Docket No.: 2004P12591WOUS	
For: SURFACE COMPRISING A MICROSTRUCTURE THAT REDUCES ADHESION AND ASSOCIATED PRODUCTION METHOD	

This decision is issued in response to the "Petition For Name Change" filed 04 January 2008. Deposit Account No. 19-2179 will be charged the required $400 petition fee.

BACKGROUND

The procedural background for the present application was set forth in the Decision mailed herein on 06 December 2007. That decision indicated that the declaration filed herein on 22 February 2007 could not be accepted unless applicants submitted either a grantable petition under 37 CFR 1.182 to correct the name of record for the first inventor or an adequate showing that the change in this inventor's name was effected under PCT Rule 92bis during the international phase.

On 04 January 2008, applicants filed the "Petition For Name Change" considered herein.

DISCUSSION

The present petition seeks to correct the name of record of inventor Christian HANSEN to Christian DOYE, the name by which this inventor is identified on the previously filed declaration.

As set forth in Section 605.04(c) of the MPEP, referred to and quoted in the previous decision, a grantable petition under 37 CFR 1.182 to correct an inventor's name "must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order."

The present petition includes the authorization to charge Deposit Account No. 19-2179 for the required petition fee. However, the petition does not include "a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected" or "a copy of the court order," as also required by the MPEP. Accordingly, the present petition does not satisfy the requirements for a grantable petition to change the name of the inventor under 37 CFR 1.182.

Based on the above, the name of record for the first inventor herein remains Christian HANSEN. The declaration filed on 22 February 2007, which identifies this inventor as Christian DOYE, therefore remains defective.

CONCLUSION

Applicants' petition under 37 CFR 1.82 to change the name of the first inventor is **DISMISSED** without prejudice.

If applicants seek reconsideration on the merits, a request for reconsideration must be filed within **TWO (2) MONTHS** of the mail date of this decision. Any such submission should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182" and the materials necessary to satisfy the outstanding requirement of a grantable petition under 37 CFR 1.182, that is, a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order by which the name was changed.

Extensions of time are available under 37 CFR 1.136(a). Failure to file a proper and timely response will result in abandonment of the application.

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

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In re Application of: DOYE, Christian, et al. U.S. Application No.: 11/660,814 PCT No.: PCT/EP2005/053902 International Filing Date: 08 August 2005 Priority Date: 26 August 2004 Attorney's Docket No.: 2004P12591WOUS For: SURFACE COMPRISING A MICROSTRUCTURE THAT REDUCES ADHESION AND ASSOCIATED PRODUCTION METHOD	DECISION ON RENEWED PETITION (37 CFR 1.182)

This decision is issued in response to the "Petition For Name Change" filed by applicants on 04 April 2008, treated herein as a renewed petition under 37 CFR 1.182. No additional petition fee is required.[1]

BACKGROUND

The procedural background for this application was set forth in the decisions mailed herein on 06 December 2007 and 11 January 2008.

The decision mailed 11 January 2008 dismissed applicants' original petition under 37 CFR 1.182 for failure to provide all the requirements for a grantable petition. Specifically, applicants had not provided the required statement from the inventor whose name was to be changed.

On 04 April 2008, applicants filed the "Petition For Name Change" treated herein as a renewed petition.

DISCUSSSION

The renewed petition includes a "Statement By Inventor" executed by Christian DOYE confirming that, as a result of marriage, her name had been changed from Christian HANSEN (the name listed in the international application) to Christian DOYE (the name set forth on the declaration filed herein on 22 February 2007). This statement from the inventor satisfies the

[1] Deposit Account No. 19-2179 will be charged the required one-month extension fee.

final requirement for a grantable petition to change the name of record for this inventor to Christian DOYE.

Based on the above correction of the inventor's name, the declaration filed 22 February 2007 is no longer defective for failure to name the correct inventive entity.

It is noted that, because the declaration was filed prior to the expiration of thirty months from the priority date, applicants are not required to pay the surcharge listed in the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 09 July 2007.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.182 to change the name of record for inventor Christian HANSEN to Christian DOYE is **GRANTED**.

Based on the above, the declaration filed 22 February 2007 is no longer considered defective for failure to properly identify the correct inventive entity herein.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 22 February 2007.

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DICKINSON WRIGHT, PLLC
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SUITE 1200
WASHINGTON, DC 20006

MAILED

JUL 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Busser et al.	:	DECISION ON PETITION
Application No. 11/660,816	:	TO WITHDRAW
Filed: September 10, 2007	:	FROM RECORD
Attorney Docket No. 2004P13614 (NSN)	:	

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 31, 2010.

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

A review of the file record indicates that on June 4, 2010 the power of attorney to Dickinson Wright, PLLC 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: LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

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THELEN REID BROWN RAYSMAN & STEINER LLP
P. O. BOX 640640
SAN JOSE CA 95164-0640

In re Application of	:	
Simonet	:	
Application No.: 11/660,826	:	
PCT No.: PCT/FR05/50681	:	
Int. Filing Date: 23 August 2005	:	DECISION
Priority Date: 23 August 2004	:	
Attorney Docket No.: 034299-000737	:	
For: Ultrasound Mapping System By Transmission,	:	
Using At Least One Piezoelectric Film	:	

This is in response to the response filed on 13 September 2007, which is being treated as a petition under 37 CFR 1.181.

BACKGROUND

This international application was filed on 23 August 2005, claimed an earliest priority date of 23 August 2004, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 09 March 2006. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 23 February 2007. On 21 February 2007, applicants filed *inter alia* the basic national fee.

On 25 July 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Petitioner indicates that the Notification of Missing Requirements was issued in error because "the Oath or declaration of the inventors was included in the Filing of February 21, 2007." Petitioner references and provides "a copy of the returned postcard indicating submission of the Declaration and POA" and "a copy of the Declaration Power of Attorney and Petition as filed February 21, 2007." Inspection of the copy of the return postcard receipt which accompanies the petition reveals that it is stamped with the instant application number, that it itemizes (inter alia) a "Declaration & POA (2 pages)," and that it is stamped as "Rec'd PCT/PTO 21 FEB 2007." MPEP 503 states in part that

> 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.

Following the policy described at MPEP 503, the copy of the declaration accompanying the instant petition is being regarded as a copy of the declaration originally filed on 21 February 2007 and itemized on the postcard receipt. Inspection of the declaration reveals that it is defective because it includes un-initialed alterations to the inventor's citizenship and residential address. Therefore, the issuance of a Notification of Missing Requirements was proper. Petitioner paid the $130.00 surcharge under 37 CFR 1.492(h) on 13 September 2007, but an acceptable declaration has not been filed.

DECISION

The petition is **GRANTED** to the extent noted.

A proper response (in the form of a declaration compliant with 37 CFR 1.497(a) and (b)) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT** of this application with respect to the national stage in the United States.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
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Office of PCT Legal Administration
Tel: (571) 272-3283
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CHICAGO IL 60606

In re Application of	:	
LIU, Chen	:	
Application No.: 11/660,840	:	
PCT No.: PCT/CN2004/000836	:	DECISION
Int. Filing Date: 21 July 2004	:	
Priority Date: 27 February 2004	:	ON PETITION UNDER
Docket No.: 1991.76813	:	
For: A LOOSE-PROOF METHOD USED FOR SCREW FASTENING UNIT AND DEVICE THEREOF	:	37 CFR 1.137(b)

Applicants' Petition For Revival of an unintentionally abandoned application under 37 CFR 1.137(b), filed in the above-captioned application on 20 February 2007 is **GRANTED**.

Applicant's statement of unintentional delay is construed to mean that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant has supplied a declaration in compliance with 37 CFR 1.497(a)-(b). The fee for late furnishing of the search fee, examination fee or oath or declaration will be charged to deposit account no. 07-2069, as authorized. The processing fee for late filing of the English translation will also be charged to applicant's deposit account.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for continued processing in accordance with this decision. The application has a date of 20 February 2007 under 35 U.S.C. §371(c)(1), (c)(2) and (c)(4).

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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10/05/2007 SBASHEIR 00000001 072069 11660840

01 FC:2617 65.00 DA
02 FC:1618 130.00 DA

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2 3 JAN 2008

Cozen O'Connor, P.C.
1900 Market Street
Philadelphia, PA 19103

In re Application of	:	DECISION ON
Schofield et al	:	
PCT No.: PCT/AU2005/001254	:	
Application No: 11/660,851	:	
Int. Filing Date: 19 August 2005	:	PETITION UNDER
Priority Date: 19 August 2004	:	
Attorney's Docket No.: FBR0009-100	:	
For: METHODS OF DIAGNOSIS...	:	
REAGENTS THEREFOR	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 21 December 2007. The petition fee of $200.00 has been paid by check.

BACKGROUND

On 19 August 2005, applicants filed international application PCT/AU2005/001254, which claimed priority to an earlier application filed 19 August 2004.

On 20 February 2007, applicants filed in the United States Patent & Trademark Office a transmittal letter for entry into the national stage in the U.S. under 35 U.SC. 371, which was accompanied by, inter alia, the U.S. basic national fee. No executed declaration or oath was submitted at such time.

On 21 December 2007, petitioner filed the present petition, a declaration in support of filing on behalf of omitted joint inventor James A. Mackintosh.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

REFUSAL TO JOIN:

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

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

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

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

Petitioner has satisfied items (1), (3) and (4) of 37 CFR 1.47(a) but not item (2).

Regarding item (1), petitioner has provided the petition fee of $200.00 under 37 CFR 1.17(g).

Regarding item (2), in this case, it has been sufficiently demonstrated that a copy of the application papers were mailed to the non-signing inventor, Mr. Mackintosh. However, it is unclear if Mark DeLuca has first hand knowledge of the mailings to the nonsigning inventor because it appears this was done by Mark Olive. If Mr. DeLuca doesn't then petitioner needs to submit statements, with specific facts on the actions referred to the mailing of the documents to the nonsigning inventor and refusal to return them back by persons who have first-hand knowledge of such facts.

Accordingly, the steps enumerated by Mr. DeLuca is not sufficient to establish that Mr. Mackintosh has refused to sign the declaration.

Regarding item (3), petitioner has provided a statement of the last known address of the missing inventor.

Regarding item (4), petitioner has provided an executed declaration signed by Robert Alan Cole on his behalf and on the behalf of the nonsigning joint inventor James A. Mackintosh.

Consequently, the petition does not satisfy all the items under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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22 APR 2008

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In re Application of	:	DECISION ON
Schofield et al	:	
PCT No.: PCT/AU2005/001254	:	
Application No: 11/660,851	:	
Int. Filing Date: 19 August 2005	:	PETITION UNDER
Priority Date: 19 August 2004	:	
Attorney's Docket No.: FBR0009-100	:	
For: METHODS OF DIAGNOSIS...	:	
REAGENTS THEREFOR	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 C.F.R. §1.47(a)" filed on 24 March 2008.

BACKGROUND

In a decision from this Office on 23 January 2008, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 24 March 2008, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)," which includes a statement by Mark Olive, who has firsthand knowledge.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 12 March 2007 has satisfied item (2) under 37 CFR 1.47(a) because the Mark Olive statements are firsthand knowledge of the facts related to the failure of co-inventor, James A. Mackintosh, to sign the declaration.

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

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

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **21 December 2007.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-6312
Facsimile: (571) 273-0459

CONCLUSION

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

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **21 December 2007.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-6312
Facsimile: (571) 273-0459

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

MAILED

APR 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Mohoney et al.	:	DECISION ON PETITION
Application No. 11/660,872	:	TO WITHDRAW
Filed: February 22, 2007	:	FROM RECORD
Attorney Docket No. 34807-501 NATL	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 12, 2010.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number.

In the instant application, the practitioner(s) were appointed via Customer Number. Therefore, the current request cannot be approved at this time. Any subsequent request must withdraw all associated practitioner(s) in the same manner as appointed.

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

There is an outstanding Office action mailed January 6, 2010 that requires a reply.

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

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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ONE FINANCIAL CENTER
BOSTON, MA 02111

MAILED

JUN 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Mahoney et al.	:	DECISION ON PETITION
Application No. 11/660,872	:	TO WITHDRAW
Filed: February 22, 2007	:	FROM RECORD
Attorney Docket No. 34807-501 NATL	:	

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 May 18, 2010.

The request is **APPROVED**.

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

The request was signed by Carl A. Kukkonen III, on behalf of all practitioners of record associated with Customer Number 64046.

Customer Number 64046 has been withdrawn as attorney of record. 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 January 6, 2010, that requires a reply from the applicant.

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

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: SCOTT MAHONEY/ HYPERSPOTS/SHERPA TECHNOLOGIES
620 VENICE BLVD.
VENICE, CA 90291

cc: CARL KUKKONEN
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C.
3580 CARMEL MOUNTAIN ROAD,
SUITE 300
SAN DIEGO, CA 92130

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/660,872	02/22/2007	James Scott Mohoney	34807-501 NATL

CONFIRMATION NO. 2407

POWER OF ATTORNEY NOTICE

64046
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

OC000000041988038

Date Mailed: 06/08/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/18/2010.

- 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.

/atkelley/

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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2 0 AUG 2007

Bell, Boyd & Lloyd LLP
P.O. Box 1135
Chicago, IL 60690

In re Application of THAKUR et al. Application No.: 11/660,892 PCT No.: PCT/EP05/07779 Int. Filing Date: 16 July 2005 Priority Date: 12 August 2004 Attorney Docket No.: 112701-629 For: METHOD AND APPARATUS FOR CONSUMABLE POWDER RECONSTITUTION AND FROTHING	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 22 February 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Washington, D.C. 20231
www.uspto.gov

0 8 AUG 2007

Barry E. Bretschneider
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 300
McLean, VA 22102

In re Application of	:	
KITAZAWA, Daisuke, et al.	:	DECISION ON REQUEST
U.S. Application No.: 11/660,964	:	FOR WITHDRAWAL AS
PCT No.: PCT/JP2004/012054	:	ATTORNEY OF RECORD
Int. Filing Date: 23 August 2004	:	
Priority Date: None Claimed	:	
Attorney Docket No.: 360842013200	:	
For: MATERIAL FOR LIGHT EMITTING	:	
DEVICE AND LIGHT EMITTING	:	
DEVICE	:	

This decision is in response to the "Request For Withdrawal As Attorney Or Agent Of Record And Change Of Correspondence Address" (Form PCT/SB/83) filed 24 April 2007.

The criteria for effecting a proper withdrawal of attorney are set forth in Section 402.06 of the Manual of Patent Examining Procedure (M.P.E.P.) which reads, in part, as follows:

> In the event that a notice of withdrawal is filed by an attorney or agent of record, the file will be forwarded to the appropriate official for decision on the request. The **withdrawal is effective when approved** rather than when received.
>
> To expedite the handling of requests for permission to withdraw as attorney, under 37 CFR 1.36, Form PTO/SB/83 may be used. Because the Office does not recognize law firms, each attorney of record must sign the notice of withdrawal, or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of himself or herself and another. ...
>
> The Director of the United States Patent and Trademark Office usually requires that there be at least 30 days between *approval* of the withdrawal and the latter of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time to obtain other representation or take other action.

Attorney Barry E. Bretschneider has provided a clear indication that the request for withdrawal is being made on behalf of himself and all other attorneys/agents associated with Customer Number 25227.

There is no pending Office communication in this application for which the time period for response will expire in the next 30 days.

Because all of the criteria delineated in Section 402.06 of the M.P.E.P. have been complied with, the request for withdrawal as attorney of record is appropriately **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Marco Gangi	: DECISION ON REQUEST FOR
Patent Number	: 7600504	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/660,975	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/28/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **83** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

2 9 DEC 2008

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Beyer Law Group LLP
P.O. BOX 1687
Cupertino CA 95015-1687

In re Application of	:	
BLAISDELL et al.	:	
Application No.: 11/660,989	:	DECISION ON
PCT No.: PCT/US2005/026906	:	
Int. Filing Date: 29 July 2005	:	PETITION UNDER
Priority Date: 30 July 2004	:	
Attorney Docket No.: 39162-8002.US02	:	37 CFR 1.137(b)
For: HARDWARE ACCELERATION FOR	:	
LARGER VOLUMES OF CHANNELS	:	

This decision is in response to applicants' submission filed 22 February 2007.

BACKGROUND

On 29 July 2005, applicants filed international application PCT/US2005/026906 which designated the U.S. and claimed a priority date of 30 July 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 09 February 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 January 2007.

On 22 February 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, a declaration of inventors, and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 22 February 2007.

As to item (2), applicant submitted the petition fee on 22 February 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventors filed 22 February 2007 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
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15 SEP 2008

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Meyertons, Hood, Kivlin, Kowert
& Goetzel, P.C.
P.O. Box 398
Austin, Texas 78767

In re Application of	:	DECISION ON
Fabian et al	:	
PCT No.: PCT/AU2005/001262	:	
Application No.: 11/661,001	:	PAPERS FILED
Int. Filing Date: 23 August 2005	:	
Priority Date: 23 August 2004	:	
Attorney's Docket No.: 6098-00500	:	UNDER 37 CFR 1.42
For: PROCESS FOR COPPER...	:	
AND ELECTROREFINING	:	

This is a decision on the declaration filed 07 December 2007, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 23 February 2007, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). Applicants, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided at such time.

On 07 September 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date" must be submitted within two(2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

To satisfy the requirements of 35 U.S.C. 371(c)(4) that an oath or declaration of the inventor be submitted, applicants filed on 07 December 2007 an executed declaration, which also indicated that Natalie Lancaster is the legal representative of the deceased inventor, Thomas William Lancaster.

DISCUSSION

A review of the application file reveals that the declaration does not comply with 37 C.F.R. §1.497(b)(2).

Because co-joint inventor Thomas William Lancaster is deceased and Natalie Lancaster has been appointed as the legal representatives for the deceased inventor, 37 C.F.R. §1.497(b)(2) indicates that "[i]f the person making the oath or the declaration or any supplemental or oath or declaration is not the inventor (§§1.42, 1.43, or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state (the inventor's citizenship and so on). 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." (see MPEP § 409.01)

In this instance, the citizenship of the legal representative is not provided in the declaration as required under 37 C.F.R. §1.497(b)(2).

Consequently, applicants have not satisfied the requirements under 37 CFR 1.42.

DECISION

For the above reasons, the request for status under 37 CFR 1.42 is **not accepted**.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.42." Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

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2 2 MAY 2009

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Meyertons, Hood, Kivlin, Kowert
& Goetzel, P.C.
P.O. Box 398
Austin, Texas 78767

In re Application of	DECISION ON RENEWED
Fabian et al	
PCT No.: PCT/AU2005/001262	
Application No.: 11/661,001	PAPERS FILED
Int. Filing Date: 23 August 2005	
Priority Date: 23 August 2004	
Attorney's Docket No.: 6098-00500	UNDER 37 CFR 1.42
For: PROCESS FOR COPPER...	
AND ELECTROREFINING	

This is a decision on the "RENEWED REQUEST UNDER 37 CFR 1.42," filed 17 November 2008.

BACKGROUND

In a decision from this Office on 15 September 2008, the request filed on 07 December 2007 was dismissed. The decision stated that declaration was improperly executed.

On 17 November 2008, applicants filed the present renewed submission under 37 CFR § 1.42 accompanied with a new executed declaration.

DISCUSSION

The renewed submission includes, a newly executed declaration signed by Natalie Lancaster as Legal Representative of the deceased inventor (Thomas William Lancaster) and the declaration sets forth the residence, citizenship and mailing addresses of both the deceased inventor and the legal representative. Accordingly, applicants have satisfied the requirements under 37 CFR 1.42.

CONCLUSION

The renewed submission filed under 37 CFR 1.42 is **ACCEPTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) to continue national stage processing of the application. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **17 November 2008.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
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UNITED STATES PATENT AND TRADEMARK OFFICE

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08 AUG 2007

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

In re Application of	:	
CHEN et al.	:	
Application No.: 11/661,019	:	DECISION ON
PCT No.: PCT/CN2004/001329	:	
Int. Filing Date: 22 November 2004	:	PETITION UNDER
Priority Date: 30 July 2004	:	
Attorney Docket No.: 514572006000	:	37 CFR 1.137(b)
For: SAMPLE PREPARATION DEVICE FOR EXTRACTING DRUG RESIDUE	:	

This decision is in response to applicants' submission filed 23 February 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 22 November 2004, applicant filed international application PCT/CN2004/001329 which designated the U.S. and claimed a priority date of 30 July 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 02 February 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 January 2007.

On 23 February 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, the surcharge under 37 CFR 1.492(h), and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 23 February 2007.

As to item (2), applicant submitted the petition fee on 23 February 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

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Date Mailed: July 17, 2008

DARDI & ASSOCIATES, PLLC
220 S. 6TH ST.
SUITE 2000, U.S. BANK PLAZA
MINNEAPOLIS MN 55402

Applicant: Pathak et al.
Appl. No.: 11/661,062
Filing Date: February 22, 2007
Title: IMPLANTABLE TISSUE COMPOSITIONS AND METHOD
Attorney Docket No.: 3888.03WOUS
Pub. No.: US 2007/0254005 A1
Pub. Date: November 1, 2007

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on November 29, 2007, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, **as a Pre-Grant publication submission.**

Any questions or requests for reconsideration of the decision should be addressed as follows:

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

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

07/17/2008 KKING1 00000001 503863 11661062
01 FC:1803 130.00 DA

2 1 NOV 2007

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THE WOODLANDS TX 77380

In re Application of:	:	
SMITH, George, et al.	:	DECISION REGARDING
U.S. Application No.: 11/661,064	:	SUBMISSION UNDER
PCT No.: PCT/US2005/019050	:	37 CFR 1.42
Int. Filing Date: 31 May 2005	:	
Priority Date: 26 August 2004	:	
Attorney's Docket No.: 81,657	:	
For: ALKALINE EARTH-BASED	:	
ALKOXYLATION CATALYSTS	:	

This communication is issued in response to applicants' submission on 12 November 2007 of a declaration executed on behalf of deceased inventor James O'NEILL by his administratrix. The submission is treated as a submission under 37 CFR 1.42.

BACKGROUND

On 31 May 2005, applicants filed international application PCT/US2005/019050. The international application claimed a priority date of 26 August 2004, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 26 February 2007.

On 22 February 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a declaration executed by three of the four inventors of record. Inventor James O'NEILL did not execute the declaration.

On 06 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that a fully executed declaration was required.

On 12 November 2007, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The submission included payment of the surcharge for filing the declaration later than thirty months after the priority date and a declaration executed on behalf of the deceased inventor, James O'Neill, by an administratrix. This declaration is considered herein under 37 CFR 1.42.

DISCUSSION

37 CFR 1.42 states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for **both** the deceased inventor and the legal representative (or all the heirs) must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497).

Here, the declaration filed on 12 November 2007 indicates that the second inventor, James O'NEILL, is deceased, and it identifies the person signing on behalf of the deceased inventor as the "independent administratrix James O'Neill." However, the declaration does not clearly indicate the name of the administratrix, nor does it set forth the citizenship, residence, and mailing address information for the legal representative, as required by 37 CFR 1.497(b)(2) (the signature box for the deceased inventor does indicate that the deceased inventor was a citizen of United States, as required).

Applicants must provide a revised declaration executed by the legal representative of the deceased inventor (or all his heirs) that includes all required information, including the name, citizenship, residence, and mailing address of the legal representative, a clear indication of the relationship of this person to the inventor (i.e., "Legal representative of deceased inventor James O'Neill," or "Administrix of deceased inventor James O'Neill"), and the citizenship of the deceased inventor.

It is also noted that the declaration filed 12 November 2007 indicates that it is directed to the specification "attached hereto." However, this declaration was not submitted with the specification. Any revised declaration submitted by applicant should properly indicate the specification to which the declaration is directed (i.e., PCT/US2005/019050, or U.S. application number 11/661,064).

CONCLUSION

The declaration filed 12 November 2007 under 37 CFR 1.42 is **REJECTED** without prejudice.

Applicants have **TWO (2) MONTHS** from the mail date of this communication to submit a proper response under 37 CFR 1.42 and 1.497. A proper response must include a revised declaration executed by the legal representative of the deceased inventor (or all the heirs) that includes all the information required by 37 CFR 1.497 (including the citizenship, residence, and mailing address of the legal representative, and the citizenship of the deceased inventor).

Failure to file a proper and timely response will result in abandonment. Extensions of time are available under 37 CFR 1.136(a).

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

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

0 1 MAY 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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www.uspto.gov

HUNTSMAN PETROCHEMICAL CORPORATION
LEGAL DEPARTMENT
10003 WOODLOCH FOREST DRIVE
THE WOODLANDS TX 77380

In re Application of:	:	
SMITH, George, et al.	:	DECISION REGARDING
U.S. Application No.: 11/661,064	:	RENEWED SUBMISSION UNDER
PCT No.: PCT/US2005/019050	:	37 CFR 1.42
Int. Filing Date: 31 May 2005	:	
Priority Date: 26 August 2004	:	
Attorney's Docket No.: 81,657	:	
For: ALKALINE EARTH-BASED	:	
ALKOXYLATION CATALYSTS	:	

This communication is issued in response to the "Response To Decision Regarding Submission Under 37 CFR 1.42" filed by applicants on 20 February 2008. No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the decision mailed by this Office on 21 November 2007. In that decision, the declaration filed on 12 November 2007 under 37 CFR 1.42 was rejected without prejudice for failure to include all required information.

On 20 February 2008, applicants filed the "Response To Decision Regarding Submission Under 37 CFR 1.42" considered herein (with required one-month extension fee).

DISCUSSION

The 20 February 2008 submission includes a declaration executed on behalf of deceased inventor James O'NEILL by his "Independent Administrix" Lindy R. Coker. This declaration includes all required information with respect to the deceased inventor and the legal representative. Accordingly, acceptance under 37 CFR 1.42 and 1.497 of the declaration filed 20 February 2008 is appropriate.

CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor James O'NEILL is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 20 February 2008.

Richard M. Ross
Attorney Advisor
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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HUNTSMAN PETROCHEMICAL LLC
10003 WOODLOCH FOREST DRIVE
THE WOODLANDS, TX 77380

Mail Date: 04/21/2010

Applicant	: George A. Smith	: DECISION ON REQUEST FOR
Patent Number	: 7629487	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/661,064	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/20/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **163** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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25 FEB 2008

D. Peter Hochberg
D. Peter Hochberg Co., L.P.A.
1940 E. 6th Street - 6th Floor
Cleveland, OH 44114

In re Application of SENTHILMOHAN, et al. Application No.: 11/661,077 PCT No.: PCT/NZ05/00221 Int. Filing Date: 22 August 2005 Priority Date: 26 August 2004 For: METHOD OF ASSAYING THE ANTIOXIDANT ACTIVITY OF OILS	DECISION ON PETITION UNDER 37 CFR 1.181

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.181 - FOR CORRECTED FILING RECEIPT" filed 11 February 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 16 January 2008, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a date of **27 February 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

On 11 February 2008, applicant filed the present petition under 37 CFR 1.181 for a corrected filing receipt arguing that the 35 U.S.C. 371 requirements were satisfied on 23 February 2007.

DISCUSSION

A review of the application file finds the original 23 February 2007 filing contained therein. The combined declaration and power of attorney is stamped "IAP8 Rec'd PCT/PTO 23 FEB 2007. Thus, it is clear that the last of the requirements under 35 U.S.C. 371 for entry into the national stage in the United States were satisfied on 23 February 2007. As such, it is proper to **GRANT** applicant's petition at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application has an international filing date of 22 August 2005 under 35 U.S.C. 363 and will be given a date of **23 February 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) indicating a 371 date as detailed above.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571 273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/661,079	03/20/2008	Jean-Luc Girardet	18545-719.831	6188

21971 7590 06/08/2010
WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

EXAMINER
SHAMEEM, GOLAM M

ART UNIT	PAPER NUMBER
1626	

MAIL DATE	DELIVERY MODE
06/08/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

Applicant: Girardet et al.
Appl. No.: 11/661,079
Filing Date: March 20, 2008
Title: S-TRIAZOLYL ALPHA-MERCAPTOACETANILIDES AS INHIBITORS OF HIV REVERSE TRANSCRIPTASE
Attorney Docket No.: 18545-719.831
Pub. No.: US 2008/0176850 A1
Pub. Date: July 24, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on June 2, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

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

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 06/09/2010 KKING1
06/03/2010 INTEFSW 00005451 232415 11661079
01 FC:1504 300.00 CR

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RONALD E. GREIGG
GREIGG & GREIGG P.L.L.C.
1423 POWHATAN STREET, UNIT ONE
ALEXANDRIA, VA 22314

Mail Date: 04/21/2010

Applicant	: David Cresswell	: DECISION ON REQUEST FOR
Patent Number	: 7647860	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/661,081	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/08/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **335** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

MAILED

JUN 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Keizo Hiraku, et al.	:	
Application No. 11/661,097	:	DECISION GRANTING PETITION
Filed: May 14, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 960/223	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 18, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 28, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 3747 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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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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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Keizo Hiraku	: DECISION ON REQUEST FOR
Patent Number	: 7610898	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/661,097	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/14/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **249** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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NIXON & VANDERHYE PC
901 NORTH GLEBE ROAD 11TH FLOOR
ARLINGTON VA 22203

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Salokatve, et al.	:	DECISION ON PETITION
Application No. 11/661,109	:	
Filed: August 29, 2007	:	
Attorney Docket No. 2747-11	:	

This is a decision on the "PETITION UNDER 37 CFR §1.182 TO CHANGE ORDER INVENTOR NAMES", filed December 9, 2008.

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

Petitioner has paid the petition fee under 37 CFR 1.182 and indicated the desired order of inventorship.

Records in the above-identified application have been changed to reflect that Arto Salokatve is the first named inventor and Kalle Yla-Jarkko is the second named inventor.

The matter is being forwarded to Group Art Unit 2828 for examination.

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

Cliff Congo
Petitions Attorney
Office of Petitions

1 9 MAY 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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DRINKER BIDDLE & REATH LLP
1500 K Street, N.W., Suite 1100
Washington, DC 2005-1209

In re Application of: SCHIER
U.S. Application No.: 11/661110
PCT No.: PCT/EP05/09595
International Filing Date: 07 September 2005
Priority Date: 14 September 2004
Atty Docket No.: 47481-5003
For: CUTTING TOOL WITH OXIDE COATING

DECISION ON PETITION UNDER 37 CFR 1.181

This decision is issued in response to the "PETITION FOR WITHDRAWAL OF NOTICE OF ABANDONMENT DUE TO U.S. PATENT AND TRADEMARK ERROR" filed 05 February 2009, treated herein as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 07 September 2005, applicants filed international application PCT/EP05/09595. The international application claimed a priority date of 14 September 2004 and it designated the United States. On 26 February 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent And Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 14 March 2007.

On 26 February 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 02 October 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 21 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to respond to the Notification Of Missing Requirements.

On 05 February 2009, applicants filed the petition considered herein, treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181. The petition asserts that the Notification of Missing Requirements (Form PCT/DO/EO/905)mailed on 02 October 2007 and the Notification of Abandonment (From PCT/DO/EO/909) mailed on 21 July 2008 were mailed to the wrong address because the United States Patent and Trademark Office erroneously associated the wrong customer number with the case. Attached to the petition is a copy of the executed declaration filed on 30 May 2008. Applicant's deposit account was charged the missing requirements surcharge fee of $130 on 30 May 2008.

DISCUSSION

Based on the statements in the present petition and a review of applicant's transmittal letter, association of the instant case with an incorrect customer number has been confirmed. The United States Patent and Trademark Office system will be updated and all correspondence will be addressed to CUSTOMER NUMBER 55694.

The Notification of Missing Requirements mailed to the improper address on 02 October 2007 is appropriately vacated. Furthermore, the Notification of Abandonment mailed 21 July 2008, based as it was on applicants' purported failure to file a timely response to the Notification Of Missing Requirements, is appropriately vacated. A review of the declaration filed on 30 May 2008, a copy of which is attached to the petition, confirms that the declaration is in compliance with 37 CFR 1.497.

CONCLUSION

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

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 02 October 2007 is hereby **VACATED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 21 June 2008 is hereby **VACATED**.

This application is being returned to the National Stage Processing Branch of the International Division for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 30 May 2008.

S. B. McPartlin

Sarah McPartlin
Detailee
Office of PCT Legal Administration
Telephone: (571) 272-6095

Richard Cole
Supervisory PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUL 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Yousuke Iizuka et al	:	
Application No. 11/661,115	:	DECISION GRANTING PETITION
Filed: February 26, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 303544US8PCT	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 2, 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 3, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2618 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

2 1 MAY 2009

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MARTIN D. MOYNIHAN
PRTSI, INC.
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ARLINGTON, VA 22215

In re Application of GERECHT et al	:	
U.S. Application No.: 11/661,128	:	
PCT Application No.: PCT/IL2005/000865	:	
Int. Filing Date: 10 August 2005	:	
Priority Date Claimed: 25 August 2004	:	DECISION
Attorney Docket No.: 34548	:	
For: METHODS OF GENERATING EMBRYOID BODIES USING THREE DIMENSIONAL SCAFFOLDS	:	

This is in response to applicant's petition under 37 CFR 1.182 filed 13 March 2009.

BACKGROUND

On 10 August 2005, applicant filed international application PCT/IL2005/000865, which claimed priority of an earlier United States application filed 25 August 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 02 March 2006. The thirty-month period for paying the basic national fee in the United States expired on 26 February 2007 (25 February 2007 was a Sunday).

On 26 February 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 September 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 13 March 2009, applicant filed the present petition under 37 CFR 1.182 along with an executed declaration.

DISCUSSION

The petition states that the name of the first inventor has changed from Sharon Gerecht-Nir to Sharon Gerecht.

MPEP 1893.01(e) states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

Pursuant to MPEP 605.04(c), a petition to change an inventor's name must include the appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected or a copy of the court order. In the present case, the petition includes the requisite statement setting forth both names and the procedure whereby the name change was effected. The requisite petition fee has been provided.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 10 August 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 13 March 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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23906
E I DUPONT DE NEMOURS AND COMPANY
Legal Patent Records Center
Barley Mill Plaza 25/1122B
4417 Lancaster Pike
Wilmington, DE 19805

In re Application of	:	
BLANCHET-FINCHER *et al*	:	
U.S. Application No.: 11/661,155	:	
PCT No.: PCT/US2005/030632	:	
Int. Filing Date: 25 August 2005	:	**DECISION**
Priority Date: 27 August 2004	:	
Attorney's Docket No.: CL2748USPCT	:	
For: SEMICONDUCTIVE PERCOLATING NETWORKS	:	

This is a decision on the request to add an inventor in the above-captioned application filed 05 March 2008.

BACKGROUND

On 21 February 2007, applicants filed papers to enter the national stage of PCT/US2005/030632.

On 01 August 2007, applicants filed a declaration executed by two inventors.

On 11 January 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that the names of the inventors were listed differently on the declaration submitted than on the international application. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 05 March 2008, applicants filed the subject petition which was accompanied by, *inter alia*, the fee; a "Statement of Colin Peter Nuckolls"; a document titled "Assignee's Consent to Correct Inventorship Under 37 C.F.R. §1.48"; and an executed declaration which included Mr. Nuckolls as a joint inventor.

DISCUSSION

Applicants request to add Colin Peter Nuckolls as an inventor in the above-captioned application. 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international

application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> > (1) A statement from each person being added as an inventor . . . that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17(l); and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Here, applicants filed a statement by Colin Peter Nuckolls who requests to be added as an inventor in the above-captioned application. The statement declares that "[t]he error in inventorship occurred without deceptive intention on my part." The processing fee of $130.00 has been paid. Applicants also submitted the written consent of the assignee, E.I du Pont de Nemours and Company. This document was signed by the Assistant Secretary, Patent Board. The position of Secretary is a position recognized as having the authority to sign for a corporation. *See* § 324 MPEP.

Therefore, all the requirements of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request under 37 CFR 1.497(d) to add Colin Peter Nuckolls as a joint inventor in the above-captioned application is **GRANTED**.

The declaration filed with the subject petition records the names of the inventors as listed on the international publication. Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 25 August 2005 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 05 March 2008.

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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30 OCT 2007

K.F. ROSS P.C.
5683 RIVERDALE AVENUE
SUITE 203 BOX 900
BRONX NY 10471-0900

In re Application of	:
MANCINI	: DECISION ON
Serial No.: 11/661,163	:
Int'l App.: PCT/IT05/00030	: PETITION
Int'l Filing Date: 21 January 2005	:
Priority Date: 22 January 2004	:UNDER 37 CFR 1.137(b)
Attorney's Docket No.: 23705	:
For: SYSTEM FOR THE PRODUCTION OF	:
EXTRUDED ALUMINUM PROFILES	:

The petition to revive under 37 CFR 1.137(b) filed 22 February 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $150 has been provided. The required petition fee of $750 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 22 February 2007.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

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OFFICE OF PETITIONS

CALIF KIP TERVO
6387 CAMINITO LAZARO
SAN DIEGO CA 92111

In re Application of	:	
Gye Youl Kim	:	
Application No. 11/661,165	:	DECISION ON PETITION
Filed: March 17, 2008	:	TO WITHDRAW
Attorney Docket No. CHOH-2	:	FROM RECORD
	:	

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

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Calif Tervo on behalf of all attorneys/agents associated with customer number 31560. All attorneys/agents have been withdrawn.

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

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Gye Youl Kim
492-44 Chang-3dong, Dobong-gu
Seoul, South Korea 132-916

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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
11/661,165	03/17/2008	Gye Youl Kim	CHOH-2

CONFIRMATION NO. 9618

POWER OF ATTORNEY NOTICE

31560
CALIF KIP TERVO
6387 CAMINITO LAZARO
SAN DIEGO, CA 92111

OC000000041765940

Date Mailed: 05/24/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/13/2010.

- 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.

/kainabinet/

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

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RATNERPRESTIA
P O BOX 980
VALLEY FORGE, PA 19482-0980

In re Application of UCHIDA et al	:	
U.S. Application No.: 11/661,178	:	
PCT Application No.: PCT/JP2005/015503	:	
Int. Filing Date: 26 August 2005	:	
Priority Date Claimed: 30 August 2004	:	DECISION
Attorney Docket No.: TOR-113US	:	
For: DISPLAY MEMBER EXPOSING METHOD	:	
AND PLASMA DISPLAY MEMBER	:	
MANUFACTURING METHOD	:	

This is in response to the correspondence filed 02 May 2008.

BACKGROUND

On 26 August 2005, applicant filed international application PCT/JP2005/015503, which claimed priority of an earlier Japan application filed 30 August 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 09 March 2006. The thirty-month period for paying the basic national fee in the United States expired on 28 February 2007.

On 26 February 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and was purportedly accompanied by a petition under 37 CFR 1.182.

On 17 September 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 06 November 2007, applicant filed an executed declaration.

On 04 March 2008, this Office mailed a communication which identified a discrepancy with regard to the surname of one of the joint inventors.

On 02 May 2008, applicant filed the present response.

DISCUSSION

The present response states that a petition to correct inventorship under 37 CFR 1.182 was filed on 26 February 2007. A review of the application file reveals that such petition is not present. However, the submitted evidence is sufficient to establish that the petition was originally filed on 26 February 2007. Specifically, the copy of the return postcard, which includes the petition in its itemized contents and which bears a USPTO date stamp of 26 February 2007, serves as *prima facie* evidence that the petition was received by the USPTO on 26 February 2007.

MPEP 1893.01(e), Correction of Inventorship, states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

MPEP 605.04(c) states in relevant part,

> In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. . . . The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

In the present case, the surname of the fourth inventor is listed in the international application as "Iwashima" but is listed in the declaration as "Kamada". Applicant has submitted a proper petition under 37 CFR 1.182, which includes a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected. A review of the fee records for the present application reveals that applicant was not previously charged $400.00 for the requisite petition fee. Accordingly, such fee will be debited from Deposit Account No. 18-0350 as authorized in the transmittal letter (Form PTO-1390) filed 26 February 2007.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 26 August 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 06 November 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/28/2010

Applicant	: Yasuhiro Yoshitome	: DECISION ON REQUEST FOR
Patent Number	: 7669490	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/661,246	: OF WYETH
Filed	: 02/26/2007	:
		:

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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MORRISON & FOERSTER, LLP
555 WEST 5TH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

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OFFICE OF PETITIONS

In re Application of	:	
Tarun J. Edwin, et al.	:	
Application No. 11/661,250	:	DECISION ON PETITION
Filed: February 26, 2007	:	TO WITHDRAW
Attorney Docket No. 297912005200	:	FROM RECORD
	:	

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, 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 June 13, 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: TODD W. WRIGHT
RUTAN & TUCKER, LLP
611 ARTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626-1931

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MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO OH 43604

In re Application of:
CHOI, S. Ben
U.S. Application No.: 11/661,254
PCT No.: PCT/US2005/029912
International Filing Date: 22 August 2005
Priority Date: 26 August 2004
Attorney's Docket No.: 1-25364
For: VEHICLE ROLL MITIGATION THROUGH WHEEL SLIP CONTROLS

DECISION ON PETITION UNDER 37 CFR 1.47(b)

This decision is issued in response to the "Petition To Make Application On Behalf Of Nonsigning Inventors Who Cannot Be Reached" filed 17 December 2007, treated herein under 37 CFR 1.47(b). Deposit Account No. 13-0005 will be charged the required $200 petition fee.

BACKGROUND

On 22 August 2005, applicant filed international application PCT/US2005/029912. The application claimed a priority date of 26 August 2004, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 26 February 2007.

On 26 February 2007, petitioner filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 17 September 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration acceptable under 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 17 December 2007, petitioner filed a response to the Notification Of Missing Requirements (with the required one-month extension fee). The response included payment of the required surcharge and the petition under 37 CFR 1.47(b) considered herein, which seeks acceptance of the application without the signature of the inventor, whom petitioner states cannot be reached.

DISCUSSION

A grantable petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor; (5) proof of proprietary interest in the application: and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. The present petition satisfies items (1), (3), and (6).

Regarding item (1), petitioner has authorized a charge to Deposit Account No. 13-0005 for required fees. Pursuant to this authorization, the Deposit Account will be charged the required $200 petition fee. Item (1) is therefore satisfied.

Regarding item (2), petitioner asserts that the non-signing inventor cannot be reached or located after diligent effort. Section 409.03(d) of the MPEP states the following concerning such cases:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. ...
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

Here, applicants have provided a firsthand statement referring to efforts made to locate and contact the non-signing inventor. The efforts described consist of email communications sent to the former employer of the inventor, as well as mailings and an attempted telephone call to the last known address and telephone number provided by the inventor's former employer. The statement also indicates that petitioner was informed that the inventor may have moved to Korea. It is noted that the inventor's telephone number has been disconnected and that, while somebody signed for the certified mail sent to the inventor's last known address, the signature provided is illegible.

The evidence provided is not sufficient to conclude that the inventor cannot be locaed or contacted after diligent effort. It is noted that a showing of a diligent effort to locate an inventor should include, but not be limited too, an internet search for the inventor (with the results of any such internet searches being made of record). Applicants must provide firsthand and documentary evidence of further efforts made to identify a current address for the non-signing inventor, including an internet search, before it can be concluded that the inventor cannot be located after diligent effort. Until such supplemental materials are provided, it cannot be

concluded that the inventor cannot be located after diligent effort. Item (2) is therefore not considered satisfied on the present record.

Regarding item (3), the petition includes an express statement of the last known address of the non-signing inventor. Item (3) is satisfied.

Regarding item (4), the petition includes a declaration executed on behalf of the non-signing inventor by the 37 CFR 1.47(b) applicant, Kelsey Hayes Company ("Kelsey"). The declaration includes the required information for the non-signing inventor (i.e., name, residence, post office address, and citizenship); however, the declaration does not clearly identify the person signing for the 37 CFR 1.47(b) applicant on behalf of the inventor or the "title and position" of the signing party, as also required under MPEP section 409.03(b)(A). Petitioner must provide a revised declaration that clearly identifies the person signing for the 37 CFR 1.47(b) applicant and indicates his "title and position." Until such revised declaration is provided, item (4) is not satisfied.

Regarding item (5), section 409.03(f) of the MPEP states the following:

> When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that: (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

Here, it appears that the 37 CFR 1.47(b) applicant Kelsey is basing its assertion of proprietary interest on a written agreement to assign (i.e., an employment agreement) with the inventor. Section 409.03(f) of the MPEP states the following with respect to situations where, as here, an assertion of proprietary interest is based on a written employment agreement (emphasis added):

> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. **When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.**

Petitioner here has provided a copy of a document identified as the employment agreement between the inventor and Kelsey. However, this document does not specifically identify the inventor, and the employee's signature is not legible. Petitioner must provide further evidence (i.e., a statement from a person with firsthand knowledge) confirming that this is a copy of the employment agreement of the non-signing inventor. In addition, petitioner has not provided a statement from a person having firsthand knowledge of the facts confirming that the invention was made by the employee during the course of his employment with Kelsey and that

the present invention therefore falls within the scope of the employment agreement. Petitioner therefore has not provided an adequate showing that the inventor was obligated to assign the present invention to Kelsey. Based on the above, the present petition does not adequately demonstrate the required proprietary interest of the 37 CFR 1.47(b) applicant; item (5) is not satisfied.

Regarding item (6), the petition includes the required statement that granting of the present petition is necessary to preserve the rights of the 37 CFR 1.47(b) applicant. Item (6) is therefore satisfied.

Based on the above, petitioner has failed to satisfy all the requirements for a grantable petition.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)" and must include the materials required to satisfy items (2), (4), and (5) of a grantable petition, as discussed above and in the applicable sections of the MPEP.

Failure to provide a proper and timely response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

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

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273- 0459

20 MAY 2008

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MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO OH 43604

In re Application of: CHOI, S. Ben U.S. Application No.: 11/661,254 PCT No.: PCT/US2005/029912 International Filing Date: 22 August 2005 Priority Date: 26 August 2004 Attorney's Docket No.: 1-25364 For: VEHICLE ROLL MITIGATION THROUGH WHEEL SLIP CONTROLS	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(b)

In a decision mailed by this Office on 24 April 2008, applicant's petition under 37 CFR 1.47(b) for acceptance of the application without the signature of applicant S. Ben CHOI was dismissed without prejudice for failure to satisfy the requirements of a grantable petition.

On 15 May 2008, applicant filed a response to the 24 April 2008 decision, treated herein as a renewed petition.

Applicant's 15 May 2008 submission includes an acceptable declaration executed by the previously non-signing sole inventor S. Ben CHOI. Applicants have therefore now submitted an executed declaration in compliance with 37 CFR 1.497. Accordingly, the petition under 37 CFR 1.47(b) is **DISMISSED AS MOOT**.

This application is being forwarded to the National Stage Processing Branch of the PCT Operations Division for further processing in accord with this decision.

The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 15 May 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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0 7 NOV 2008

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

In re Application of JENSEN	:	
U.S. Application No.: 11/661,258	:	
PCT Application No.: PCT/EP2005/054252	:	DECISION
Int. Filing Date: 30 August 2005	:	
Priority Date Claimed: 30 August 2004	:	
Attorney Docket No.: P70667US1	:	
For: AN EXTERNAL URINARY CATHETER	:	

This is in response to applicant's "Statement Under 37 C.F.R. 1.497(d)" filed 13 August 2008, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 30 August 2005, applicant filed international application PCT/EP2005/054252, which claimed priority of an earlier Denmark application filed 30 August 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 09 March 2006. The thirty-month period for paying the basic national fee in the United States expired on 28 February 2007.

On 27 February 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 28 April 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 13 August 2008, applicant filed the present petition under 37 CFR 1.181 along with an executed declaration.

DISCUSSION

The petition states that the surname of the inventor is "Jensen" rather than "Nielsen".

MPEP 1893.01(e) states in relevant part,

> [W]here the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

In the present case, the affidavit signed by the inventor states that there has been no change of inventorship and that the discrepancy in the surname was the result of a clerical error. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 30 August 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 13 August 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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0 2 JUN 2008

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Oliff & Berridge, PLC
P.O. Box 19928
Alexandria, VA 22320

In re Application of	:	
KATO, et al.	:	
Serial No.: 11/661,297	:	DECISION ON REQUEST
PCT No.: PCT/JP2006/301001	:	
Int. Filing Date: 24 January 2006	:	FOR REFUND
Priority Date: 25 January 2005	:	
Attorney Docket No.: 131503	:	
For: EXPOSURE APPARATUS, EXPOSURE METHOD, AND PRODUCING METHOD OF MICRODEVICE	:	

This decision is in response to applicant's "REQUEST FOR REFUND TO DEPOSIT ACCOUNT" filed 01 October 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 24 January 20063, applicant filed international application PCT/JP2006/301001, which claimed a priority date of 25 January 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 03 August 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 25 July 2007.

On 27 February 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee, an English translation of the international application, an application data sheet and a preliminary amendment.

On 23 April 2007, applicant filed an executed declaration of the inventors.

On 19 September 2007, applicant was mailed a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903).

On 01 October 2007, applicant filed the present request for refund of $250.00.

DISCUSSION

The request for refund centers on the size of the specification and the fee exceeding 100 pages. Upon filing applicant provided a fee payment of $250.00. Applicant was charged an additional $250.00 on 17 September 2007 and again on 20 September 2007. The second of these

charges was refunded to deposit account 15-0461 on the same day, 20 September 2007. Applicant presently seeks a refund of the $250.00 charged to the deposit account on 17 September 2007. A review of the application file finds that while applicant did provide a fee payment of $250.00 on 27 February 2007, this amount was insufficient. The national stage processing division has calculated the size of the specification as 178 pages, as such two payments of $250.00 are required. A copy of the fee determination record accompanies this decision.

CONCLUSION

For the reasons stated above, applicant's request for refund is **DISMISSED**.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file any request for reconsideration. Any reconsideration request should include a cover letter entitled, "Renewed Request For Refund."

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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

Mail Date: 04/22/2010

Applicant	: Martin Pieronczyk	: DECISION ON REQUEST FOR
Patent Number	: 7604254	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/661,319	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

0 7 AUG 2008

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HOFFMAN WASSON & GITLER, P.C
CRYSTAL CENTER 2, SUITE 522
2461 SOUTH CLARK STREET
ARLINGTON VA 22202-3843

In re Application of	:	
Schmidt	:	
Application No.: 11/661,356	:	
PCT No.: PCT/DE2005/001470	:	
Int. Filing Date: 22 August 2005	:	DECISION
Priority Date: 02 September 2004	:	
Attorney Docket No.: A-10409	:	
For: System For Joining Nuts To Workpieces	:	
And Loading Device For Such A System	:	

The petition to revive under 37 CFR 1.137(b) filed on 25 June 2008 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the petition fee. Petitioner has also filed to required reply in the form of a declaration compliant with 37 CFR 1.497(a) and (b). The surcharge under 37 CFR 1.492(h), search fee and examination fee also have been paid. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **25 June 2008**.

/George Dombroske/
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2 OCT 2009

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PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
NISHIKAWA et al	:	
Application No.: 11/661,379	:	
PCT No.: PCT/JP2005/009647	:	
Int. Filing Date: 26 May 2005	:	DECISION
Priority Date: 08 September 2004	:	
Attorney Docket No.: 0033-1130PUS1	:	
For: METHOD OF CHANGING PROPERTY	:	
OR FUNCTION OF SUBSTANCE AND	:	
METHOD OF ELIMINATING BIOFUNCTION	:	
OF CELL		

The decision is in response to applicants' petition under 37 CFR 1.182 filed in the USPTO on 18 September 2009.

BACKGROUND

On 26 May 2005, applicants filed international application PCT/JP2005/009647 which designated the United States and claimed a priority date of 08 September 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 March 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 March 2007.

On 28 February 2007, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of inventors.

On 21 July 2009, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that the declaration of inventors filed 28 February 2007 was not in compliance with 37 CFR 1.497(a)-(b) because it was not executed by inventor Ai Bamba.

On 18 September 2009, applicants submitted the instant petition under 37 CFR 1.182. The petition was accompanied by an affidavit of Ai Tsutsui.

DISCUSSION

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the appropriate petition fee and (2) a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order. MPEP § 605.04(c).

As to item (1), the petition fee has been paid.

With regard to item (2), the statement of Ai Tsutsui is a statement setting forth both names (Ai Bamba and Ai Tsutsui) and the procedure (marriage) whereby the change of name was effected. The statement is accepted.

Declaration of Inventors

The declaration of inventors filed 28 February 2007 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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17 OCT 2008

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In re Application of SPRUCE et al. Application No.: 11/661,482 PCT No.: PCT/GB05/03373 Int. Filing Date: 26 August 2005 Priority Date: 27 August 2004 Attorney Docket No.: 9013-78 For: TREATMENT OF POSTERIOR CAPSULE OPACIFICATION	DECISION REGARDING SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to the declaration filed 14 November 2007 which is being treated as a Submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 26 August 2005, applicant filed international application PCT/GB05/03373 which claimed a priority date of 27 August 2004 and which designated the United States. On 02 March 2006, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for payment of the basic national fee was 27 February 2007 (thirty months from the priority date).

On 27 February 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and a preliminary amendment.

On 27 July 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.492(a) and (b). Furthermore, the Notification indicated that a Sequence Listing had not been filed as required by 37 CFR 1.821(c) and (e). The notification set a two-month time limit in which to respond. The notification set a TWO (2) MONTH period for response.

On 14 November 2007, applicants submitted a Sequence Listing as required by 37 CFR 1.821(c) and (e) and a declaration executed by the two joint inventors and Peter Reid Duncan, on behalf of deceased inventor, George Duncan.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

The declaration filed 14 November 2007 was executed by Peter Reid Duncan as "legal representative" to the deceased inventor, George Duncan. The declaration provides the residence, post office address, and country of citizenship for the deceased inventor and the legal representative. Therefore, the declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

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COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK, N.Y. 10176

COPY MAILED
DEC 09 2008

Applicant: Ikenaba
Appl. No.: 11/661,511
International Filing Date: August 26, 2005
Title: COUPLING LENS AND OPTICAL PICKUP APPARATUS
Attorney Docket: 5341-95PUS
Pub. No.: US 2007/0253310 A1
Pub. Date: November 1, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 18, 2008 and March 21, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein the priority date is misprinted as "September 30, 2004" rather than the correct "September 3, 2004".

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

The requests for corrected publication, received on January 18, 2008 and March 21, 2008, were not timely filed under 37 CFR 1.221(b).

[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 error on the front page of the publication wherein the foreign priority date is misprinted may be an Office error, but it is a not material Office error under 37 CFR 1.221. The wrong date 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, especially since the oath contains the correct information.

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

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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28 JAN 2008

Phillip S. Johnson
JOHNSON & JOHNSON
One Johnson & Johnson Plaza
New Brunswick, NJ 06933-7003

In re Application of BINNER *et al* U.S. Application No.: 11/661,535 PCT No.: PCT/US2005/017113 Int. Filing Date: 13 May 2005 Priority Date: 14 May 2004 Attorney Docket No.: PPC5072USNP For: INTRAVAGINAL DEVICE WITH FLUID TRANSPORT PLATES	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 28 February 2007 is hereby **GRANTED** as follows:

The basic national fee and petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was not submitted.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee are required.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

1 9 MAY 2009

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New Brunswick, NJ 06933-7003

In re Application of :
BINNER *et al* :
U.S. Application No.: 11/661,535 :
PCT No.: PCT/US2005/017113 :
Int. Filing Date: 13 May 2005 : **DECISION**
Priority Date: 14 May 2004 :
Attorney Docket No.: PPC5072USNP :
For: INTRAVAGINAL DEVICE WITH FLUID :
TRANSPORT PLATES :

This decision is in response to petition to change the name of two inventors pursuant to 37 CFR 1.182 and the petition to revive under 37 CFR 1.137(b) filed 26 March 2009.

BACKGROUND

On 12 March 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee pursuant to 37 CFR 1.492(h) must be provided. Applicants were given two months to respond with extensions of time available.

On 24 November 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) for failing to respond to the Form PCT/DO/EO/905 mailed 12 March 2008 within the time period set therein.

On 26 March 2009, applicants filed a petition to revive under 37 CFR 1.137(b) which was accompanied by, *inter alia*, a petition to change the name of two inventors; an executed declaration; affidavits of the inventors whose names have changed; copies of two marriage certificates; a $1,620.00 petition to revive fee; a $400.00 petition fee; and authorization to charge any required fee to Deposit Account No. 10-0750.

DISCUSSION

Petition to Change the Name of An Inventor

In the instant response, applicants filed a petition to change the name of joint inventor Julie Kozorovitsky to Julie K. Iris and joint inventor Erin Danyi to Erin Marsee.

Section 605.04(c), *Inventor Changes Name*, of the MPEP lists the procedures required to change the name of an inventor and states, in part:

> The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

Here, the $400.00 petition fee has paid. Petitioners included an affidavit signed by each inventor listing both their names and setting forth that the name changes were the result of marriage. Copies of both marriage licenses were provided.

This evidence is sufficient for a grantable petition.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The name change of both inventors is approved.

Petition to Revive Unintentionally Abandoned Application Under 37 CFR 1.137(b)

A petition to revive pursuant to 37 CFR 1.137(b) requires: (1) a proper reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply to the filing of a grantable petition pursuant to this paragraph was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

The proper reply is providing an acceptable response to the Form PCT/DO/EO/905 mailed 12 March 2008. Here, the declaration filed with the subject petition is in compliance with 37 CFR 1.497(a) and (b). The $130.00 surcharge fee has been charged to Deposit Account No. 10-0750 as authorized. The $1,620.00 petition fee was paid. Applicants made the required statement in accordance with 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

All items of 37 CFR 1.137(b) are satisfied.

CONCLUSION

Applicants' petition to revive under 37 CFR 1.137(b) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. § 371(c). The application has an international filing date of 13 May 2005, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 26 March 2009.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing

James Thomson
Attorney Advisor
Office of PCT Legal Administration

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1 4 APR 2008

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MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO OH 43604

In re Application of
SPEIKER et al.
Application No.: 11/661,539
PCT No.: PCT/US2005/030521
Int. Filing Date: 26 August 2005
Priority Date: 27 August 2004
Attorney Docket No.: 1-24887
For: METHOD FOR DETECTING CIRCUIT BRAKE FAILURE

: DECISION

This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 29 February 2008.

BACKGROUND

On 26 August 2005, applicant filed international application PCT/US2005/030521, which designated the U.S. and claimed a priority date of 27 August 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 09 March 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 February 2007.

On 27 February 2007, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 23 July 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an executed declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for reply.

On 20 August 2007, applicants filed an executed declaration of inventors.

On 08 November 2007, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the response filed 20 August 2007 was acknowledged but that the requirements set forth in the NOTIFICATION OF

MISSING REQUIREMENTS mailed 23 July 2007 had not been met. Specifically, it was indicated that the spelling of the third inventor's surname on the declaration did not correspond with the spelling on the published international application. This NOTIFICATION set a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the NOTIFICATION OF MISSING REQUIREMENTS mailed 23 July 2007, whichever was longer. This Notification also noted that no extension of this time limit may be granted under 37 CFR 1.136, but that the period for response set in the NOTIFICATION OF MISSING REQUIREMENTS mailed 23 July 2007 may be extended under 37 CFR 1.136(a).

On 29 February 2008, applicants filed the instant submission.

DISCUSSION

Declaration of the Inventor

Regarding the name of the inventor, the instant submission indicates that the inventor's name was incorrectly spelled in the published international application and that the name as it appears on the declaration of inventors filed 20 August 2007 is correct.

Applicants' explanation of the difference in the spelling of Michael O'Connor's name is accepted and noted for the record.

The response filed 29 February 2008 is a proper reply to the NOTIFICATION OF MISSING REQUIREMENTS mailed 23 July 2007. The declaration of the inventors filed 20 August 2007 is in compliance with 37 CFR 1.497(a)-(b).

Petition Under 37 CFR 1.137(b)

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), as noted above, the response filed 29 February 2008 is a proper reply.

As to item (2), applicant submitted the petition fee on 29 February 2008.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON, DE 19899

MAILED

FEB 12 2009

OFFICE OF PETITIONS

Applicant: Haese et al.
Appl. No.: 11/661,544
International Filing Date: August 4, 2005
Title: TRIETHANOLAMIN PRODUCTION METHOD
Attorney Docket No.: 12810-00429-US(PF55842)
Pub. No.: 2007/0276161 A1
Pub. Date: November 29, 2007

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

The request is dismissed.

Although the request was untimely under 1.221(b), since the request was made outside the two month time period, the Office is *sua sponte* issuing a corrected publication. The original publication listed none of the correct inventors as filed and bore an incorrect title. While requestor also stated that the claims, specification, and abstract were incorrect, these documents were filed with the office on February 27, 2007, with the filing of the application, and were properly used for publication. Since requestor failed to point out which document contained the desired claims, specification, and abstract, the same claims, specification, and abstract will appear in the corrected publication.

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

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.

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

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MERCHANT & GOULD PC
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MINNEAPOLIS MN 55402-0903

In re Application of	:	
HOPPENSTEDT, et al.	:	
U.S. Application No.: 11/661,567	:	DECISION ON PETITION
PCT No.: PCT/US05/31203	:	
Int. Filing Date: 30 August 2005	:	UNDER 37 CFR 1.182
Priority Date: 31 August 2004	:	
Attorney's Docket No.: 00758.1764USWO	:	
For: EXHAUST TREATMENT APPARATUS	:	
AND METHOD OF MAKING	:	

This decision is in response to applicant's "Communication Regarding Notification of Defective Response" filed 22 September 2008 in the United States Patent and Trademark Office (USPTO). The communication is being treated as a petition under 37 CFR 1.182 to change the inventor's name. As authorized, the $400.00 petition fee will be charged to deposit account number 13-2725.

BACKGROUND

On 30 August 2005, applicant filed international application PCT/US05/31203 which claimed priority to an earlier application filed 31 August 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 28 February 2007.

On 28 February 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Application Data Sheet, an Information Disclosure Statement and a First preliminary amendment. Applicant did not file an executed oath or declaration of the inventors.

On 25 February 2008, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 25 April 2008, applicant filed an executed combined declaration and power of attorney.

On 22 August 2008, applicant was mailed a "NOTIFICATION OF DEFECTIVE

RESPONSE" (Form PCT/DO/EO/916) informing applicant that the filed declaration did not comply with 37 CFR 1.497 (a) and (b) as it contained an un-initialed alteration and discrepancy as to the name of inventor Hovda. Applicant was afforded one month from the mailing of the Form PCT/DO/EO/916 or the extendable time remaining in the response period set forth in the Form PCT/DO/EO/905, whichever was longer.

On 22 September 2008, applicant filed the present communication accompanied by an executed combined declaration and power of attorney identifying the fourth listed inventor as Allan Hovda. 22 September 2008 was the last day to timely respond to the Form PCT/DO/EO/916.

DISCUSSION

As explained in the Manual of Patent Examining Procedure (MPEP), "In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182." Therefore, the present communication is being treated as a petition under 37 CFR 1.182 to change the inventor's name from the name shown on the published international application, Al Hovda, to the present name, Allan T. Hovda. Applicant has certified that this is the inventor's full, legal name, as such, it is appropriate to grant applicant's petition at this time. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have now been satisfied.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name from Al Hovda to Allan T. Hovda is **GRANTED**.

The application has an international filing date of 30 August 2005 under 35 U.S.C. 363 and will be given a date of **22 September 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

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In re Application of	:	DECISION
SPEIKER et al.	:	
Application No.: 11/661,539	:	
PCT No.: PCT/US2005/030521	:	
Int. Filing Date: 26 August 2005	:	
Priority Date: 27 August 2004	:	
Attorney Docket No.: 1-24887	:	
For: METHOD FOR DETECTING CIRCUIT	:	
BRAKE FAILURE	:	

This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 29 February 2008.

BACKGROUND

On 26 August 2005, applicant filed international application PCT/US2005/030521, which designated the U.S. and claimed a priority date of 27 August 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 09 March 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 February 2007.

On 27 February 2007, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 23 July 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an executed declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for reply.

On 20 August 2007, applicants filed an executed declaration of inventors.

On 08 November 2007, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the response filed 20 August 2007 was acknowledged but that the requirements set forth in the NOTIFICATION OF

MISSING REQUIREMENTS mailed 23 July 2007 had not been met. Specifically, it was indicated that the spelling of the third inventor's surname on the declaration did not correspond with the spelling on the published international application. This NOTIFICATION set a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the NOTIFICATION OF MISSING REQUIREMENTS mailed 23 July 2007, whichever was longer. This Notification also noted that no extension of this time limit may be granted under 37 CFR 1.136, but that the period for response set in the NOTIFICATION OF MISSING REQUIREMENTS mailed 23 July 2007 may be extended under 37 CFR 1.136(a).

On 29 February 2008, applicants filed the instant submission.

DISCUSSION

Declaration of the Inventor

Regarding the name of the inventor, the instant submission indicates that the inventor's name was incorrectly spelled in the published international application and that the name as it appears on the declaration of inventors filed 20 August 2007 is correct.

Applicants' explanation of the difference in the spelling of Michael O'Connor's name is accepted and noted for the record.

The response filed 29 February 2008 is a proper reply to the NOTIFICATION OF MISSING REQUIREMENTS mailed 23 July 2007. The declaration of the inventors filed 20 August 2007 is in compliance with 37 CFR 1.497(a)-(b).

Petition Under 37 CFR 1.137(b)

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), as noted above, the response filed 29 February 2008 is a proper reply.

As to item (2), applicant submitted the petition fee on 29 February 2008.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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In re Application of SEGOVIA-MARTINEZ et al	:	
U.S. Application No.: 11/661,632	:	
PCT Application No.: PCT/GB2005/003203	:	
Int. Filing Date: 15 August 2005	:	DECISION
Priority Date Claimed: 02 September 2004	:	
Attorney Docket No.: 126344.0103	:	
For: DC OFFSETT ESTIMATION IN RECEIVED SIGNALS	:	

This is in response to applicant's "Request for Withdrawal as Attorney or Agent and Change of Correspondence Address" filed 16 July 2007.

BACKGROUND

On 15 August 2005, applicant filed international application PCT/GB2005/003203, which claimed priority of an earlier United Kingdom application filed 02 September 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 09 March 2006. The thirty-month period for paying the basic national fee in the United States expired on 02 March 2007.

On 01 March 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 16 July 2007, applicant's attorney filed the present request for withdrawal.

On 06 September 2007, applicant filed an executed declaration.

DISCUSSION

MPEP 402.06 states in relevant part,

> The Director of the United States Patent and Trademark Office usually requires that there be at least 30 days between approval of withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time to obtain other representation or take other action. If a period has been set for reply and the period may be extended without a showing of cause pursuant to 37 CFR 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed.

In the present case, at least 30 days remain between approval of the withdrawal and the later of the expiration date of any time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

CONCLUSION

For the reasons above, the request for withdrawal as attorney is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 15 August 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

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In re Application of: TOBITA, Etsuo, et al. U.S. Application No.: 11/661,671 PCT No.: PCT/JP2005/016092 Int. Filing Date: 02 September 2005 Priority Date: 03 September 2004 Attorney's Docket No.: 8007-1127 For: POLYLACTIC ACID RESIN COMPOSITION, MOLDINGS, AND PROCESS FOR PRODUCTION THEREOF	DECISION REGARDING SUBMISSION UNDER 37 CFR 1.42

This communication is issued in response to applicants' submission on 02 March 2007 of a declaration executed on behalf of deceased inventor Hisashi OKUYAMA by the deceased inventor's legal representative Naomi OKUYAMA. The submission has been treated as a submission under 37 CFR 1.42.

BACKGROUND

On 02 September 2005, applicants filed international application PCT/JP2005/016092. The international application claimed a priority date of 03 September 2004, and it designated the United States. On 09 March 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 03 March 2007.

On 02 March 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, a translation of the international application into English, and a declaration executed by the surviving inventors and on behalf of the deceased inventor by his legal representative.

DISCUSSION

37 CFR 1.42 states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for **both** the deceased inventor and the legal representative (or all the heirs) must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497).

Here, the declaration filed 02 March 2007 indicates that the fifth inventor, Hisashi OKUYAMA, is deceased, and it states that the person signing on his behalf, Naomi OKUYAMA, is the legal representative of the deceased inventor. However, the declaration does not include the citizenship, residence, and mailing address information for the legal representative required by 37 CFR 1.497(b)(2) (the signature box for the deceased inventor does indicate that the deceased inventor was a citizen of Japan, as required).

Applicants must provide a revised declaration executed by the legal representative of the deceased inventor (or all his heirs) that includes all required information, including the citizenship, residence, and mailing address of the legal representative and the citizenship of the deceased inventor.

CONCLUSION

The declaration filed 02 March 2007 under 37 CFR 1.42 is **REJECTED** without prejudice.

Applicants have **TWO (2) MONTHS** from the mail date of this communication to submit a proper response under 37 CFR 1.42 and 1.497. Failure to file a proper and timely response will result in abandonment.

Extensions of time are available under 37 CFR 1.136(a).

A proper response must include a revised declaration executed the legal representative of the deceased inventor (or all the heirs) that includes all the information required by 37 CFR

1.497 (including the citizenship, residence, and mailing address of the legal representative, and the citizenship of the deceased inventor).

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

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In re Application of: TOBITA, Etsuo, et al. U.S. Application No.: 11/661,671 PCT No.: PCT/JP2005/016092 Int. Filing Date: 02 September 2005 Priority Date: 03 September 2004 Attorney's Docket No.: 8007-1127 For: POLYLACTIC ACID RESIN COMPOSITION, MOLDINGS, AND PROCESS FOR PRODUCTION THEREOF	DECISION ON PETITION UNDER 37 CFR 1.183 AND RENEWED SUBMISSION UNDER 37 CFR 1.42

This communication is issued in response to applicants' "Petition Under 37 CFR 1.183" filed 17 March 2008. Deposit Account No. 25-0120 will be charged the required $400 petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed herein on 20 September 2007. That decision indicated that the declaration filed by applicants herein, which was executed on behalf of deceased inventor Hisashi OKUYAMA by his legal representative Naomi OKUYAMA, could not be accepted under 37 CFR 1.42 and 1.497 for failure to include all required information.

On 17 March 2008, applicants filed the present petition in response to the previous decision (with required extension fee). The petition under 37 CFR 1.183 requests waiver of the rules requiring that the additional information be included in the declaration, and acceptance of the previously filed declaration based on such waiver.

DISCUSSION

The previous decision indicated that the declaration filed by applicants on 02 March 2007 could not be accepted because it failed to expressly identify the citizenship of both the deceased inventor and his legal representative, as required by statute, and it failed to set forth the residence and mailing address of the legal representative, as required by 37 CFR 1.497(b)(2).

The present submission confirms that the legal representative is the wife of the deceased inventor and that, like the deceased inventor, she is a Japanese citizen. Under these

circumstances, the indication of Japanese citizenship contained in the signature block that names both the deceased inventor and the legal representative is accepted as applying to both the deceased inventor and the legal representative. Based on this interpretation, the declaration satisfies the statutory requirement that the citizenship of both the deceased inventor and the legal representative be listed on the declaration.

The declaration filed 02 March 2007 does not, however, include a residence or mailing address for the legal representative. Accordingly, as indicated in the previous decision, the declaration fails to comply with the requirements of 37 CFR 1.497(b)(2). By the present petition under 37 CFR 1.183, applicants seek a waiver of the requirements of this regulation and acceptance of the application.

37 CFR 1.183 states:

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

Applicants here assert that waiver of the regulation is necessary in that a revised declaration cannot be obtained from the legal representative due to the "emotional and mental state" of the legal representative. The petition also expressly provides mailing address of the legal representative.

In light of the present submission, and the potential damage to the health of the legal representative that apparently could result from an attempt to obtain a revised declaration, it is concluded that the present circumstances represent an "extraordinary situation, when justice requires" the waiver of the requirement in 37 CFR 1.497(b)(2) that the residence and mailing address of the legal representative be included in the declaration.

However, the listing of the mailing and residence address of the legal representative in the petition document alone is not acceptable. Before the present petition may be granted, and status under 37 CFR 1.42 accorded, petitioner must provide a supplemental ADS which sets forth the citizenship, mailing address, and residence address for the legal representative, making such information readily located within the application file.[1]

CONCLUSION

The petition under 37 CFR 1.183 is **DISMISSED** without prejudice on the present record.

---

[1] It is noted that the present ADS does not list the residence address of the legal representative, and identifies her mailing address as that of the assignee.

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Hisashi OKUYAMA is **GRANTED**.

Applicants have **TWO (2) MONTHS** from the mail date of this decision to request reconsideration on the merits. Failure to file a proper and timely response will result in abandonment. Extensions of time are available under 37 CFR 1.136(a).

Any request for reconsideration must be accompanied by a supplemental ADS which includes the citizenship, residence and mailing address of the legal representative, as required for granting of the petition under 37 CFR 1.183, or in the alternative, a revised declaration executed the legal representative of the deceased inventor (or all the heirs) that includes all the information required by 37 CFR 1.497 (including the citizenship, residence, and mailing address of the legal representative, and the citizenship of the deceased inventor), which would render the petition under 37 CFR 1.183 moot.

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

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In re Application of: TOBITA, Etsuo, et al. U.S. Application No.: 11/661,671 PCT No.: PCT/JP2005/016092 Int. Filing Date: 02 September 2005 Priority Date: 03 September 2004 Attorney's Docket No.: 8007-1127 For: POLYLACTIC ACID RESIN COMPOSITION, MOLDINGS, AND PROCESS FOR PRODUCTION THEREOF	:	DECISION ON RENEWED PETITION UNDER 37 CFR 1.183 AND RENEWED SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to applicants' "Request For Reconsideration Of Decision On Petition Under 37 CFR 1.183" filed 22 June 2009, considered herein under 37 CFR 1.183 and 1.42. Applicants have previously paid the required petition fee.

BACKGROUND

As discussed in the previous decisions mailed herein, applicants are requesting acceptance under 37 CFR 1.42 and 1.497 of the declaration filed 02 March 2007, which was executed by the surviving inventors and on behalf of deceased inventor Hisashi OKUYAMA by his legal representative Naomi OKUYAMA.

On 20 September 2007, a decision was mailed indicating that the declaration could not be accepted because it failed to include all required information with respect to the legal representative of the deceased inventor.

On 17 March 2008, applicants filed a petition under 37 CFR 1.183 requesting waiver of the requirement that the legal representative's information be present in the declaration.

On 29 April 2009, a decision was mailed dismissing without prejudice the petition under 37 CFR 1.183.

On 22 June 2009, applicants filed the "Request For Reconsideration Of Decision On Petition Under 37 CFR 1.183" considered herein under 37 CFR 1.183, 1.42, and 1.497.

DISCUSSION

The 29 April 2009 decision stated that the indication of Japanese citizenship contained in the signature block that names both the deceased inventor and the legal representative could be accepted as applying to both the deceased inventor and the legal representative, satisfying the statutory requirement that the citizenship of both the deceased inventor and the legal representative be listed on the declaration.

The 29 April 2009 decision also indicated that the unique circumstances present here, represent an "extraordinary situation, when justice requires" the waiver of the requirement in 37 CFR 1.497(b)(2) that the residence and mailing address of the legal representative be included in the declaration. However, the decision stated that the petition could not be granted unless applicants submitted a supplemental application data sheet (ADS) setting forth the citizenship, mailing address, and residence address for the legal representative, making such information readily located within the application file.

The present submission included a supplemental application data sheet (ADS) that includes the required citizenship, mailing address, and residence address of the legal representative. This submission, in combination with applicants' previous statements regarding the potential danger to the health of the legal representative that could result from an attempt to obtain a revised declaration, satisfies the requirements for a grantable petition under 37 CFR 1.183. Accordingly, applicants' petition for waiver of the requirement that the legal representative's residence and mailing address be set forth in the declaration is appropriately granted.

In view of the above, the declaration filed on 02 March 2007 may be accepted under 37 CFR 1.42 and 1.497 with respect to deceased inventor Hisashi OKUYAMA.

CONCLUSION

The renewed petition under 37 CFR 1.183 is **GRANTED**.

Under the unique circumstances present herein, the requirement of 37 CFR 1.497(b)(2) that the mailing address and residence address of the legal representative be set forth in the declaration is hereby waived.

In view of the above, applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Hisashi OKUYAMA is **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 02 March 2007.

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Office of PCT Legal Administration

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In re Application of	:	
SULAKVELIDZE et al.	:	
Application No.: 11/661,689	:	DECISION ON
PCT No.: PCT/US2004/028634	:	
Int. Filing Date: 03 September 2004	:	PETITION UNDER
Priority Date: 03 September 2003	:	
Attorney Docket No.: 62610.000032	:	37 CFR 1.137(b)
For: NOVEL SALMONELLA BACTERIOPHAGE	:	
AND USES THEREOF	:	

This decision is in response to applicants' submission filed 02 March 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 03 September 2004, applicant filed international application PCT/US2004/028634 which designated the U.S. and claimed a priority date of 03 September 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 17 March 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 03 March 2006.

On 02 March 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 02 March 2007.

As to item (2), applicant submitted the petition fee on 02 March 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

2 9 JUL 2008

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

In re Application of DUKART et al	:	
U.S. Application No.: 11/661,718	:	
PCT Application No.: PCT/EP2005/053731	:	
Int. Filing Date: 01 August 2005	:	DECISION
Priority Date Claimed: 06 September 2004	:	
Attorney Docket No.: 10191/4656	:	
For: DEVICE FOR DETECTING A COLLISION	:	
BETWEEN A VEHICLE AND AN OBSTACLE	:	

This is in response to applicant's "Response to Notification of Defective Response" filed 25 February 2008, which is being treated as a petition under 37 CFR 1.181 to vacate the Notification of Defective Response mailed 25 January 2008. No petition fee is due.

BACKGROUND

On 01 August 2005, applicant filed international application PCT/EP2005/053731, which claimed priority of an earlier Germany application filed 06 September 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 16 March 2006. The thirty-month period for paying the basic national fee in the United States expired on 06 March 2007.

On 28 February 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 19 October 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 14 November 2007, applicant filed an executed declaration.

On 25 January 2008, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 14 November 2007 was improper.

On 25 February 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The declaration filed 14 November 2007 is in compliance with 37 CFR 1.497. Accordingly, the Notification of Defective Response was sent in error.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Defective Response (Form PCT/DO/EO/916) mailed 25 January 2008 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 01 August 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 14 November 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/661,720	02/19/2008	Naoyuki Okita	67521 (71719)	1881

7590 07/13/2009
EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER

ART UNIT	PAPER NUMBER
2455	

MAIL DATE	DELIVERY MODE
07/13/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Tom Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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2 2 JAN 2008

FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK, NY 10103-3198

In re Application of	:	
VAN SNICK, et al.	:	
U.S. Application No.: 11/661,737	:	DECISION ON PETITION
PCT No.: PCT/US05/26488	:	
Int. Filing Date: 27 July 2005	:	UNDER 37 CFR 1.137(b)
Priority Date: 28 July 2004	:	
Attorney Docket No.: NY-LUD 579-US1	:	
For: METHOD FOR TREATMENT OR PROPHY-	:	
LAXIS OF AN INFECTION USING EITHER AN	:	
ANTIBODY WHICH BINDS....INTERLEUKIN-9	:	

The petition to revive under 37 CFR 1.137(b) filed 01 March 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a compliant, executed oath or declaration of the inventors is required.

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2 8 JAN 2008

67283
MONTGOMERY, McCRACKEN, WALKER & RHOADS, LLP
123 South Broad Street
Avenue of the Arts
Philadelphia, PA 19109

In re Application of WILSON *et al* U.S. Application No.: 11/661,765 PCT No.: PCT/US2005/030344 Int. Filing Date: 26 August 2005 Priority Date: 26 August 2004 Attorney Docket No.: N-2529US For: IMAGING OF OXYGEN BY PHOSPHORESCENCE QUENCHING	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 02 March 2007 is hereby **GRANTED** as follows:

The basic national fee and petition fee for a small entity have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was not submitted.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee are required.

James Thomson

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UNITED STATES PATENT AND TRADEMARK OFFICE

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17 DEC 2007

COOLEY GODWARD KRONISH LLP
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Suite 1100
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Washington, DC 20001

In re Application of	:	
VITEK, et al.	:	
U.S. Application No.: 11/661,777	:	DECISION ON PETITION
PCT No.: PCT/US05/31431	:	
Int. Filing Date: 02 September 2005	:	UNDER 37 CFR 1.497(d)
Priority Date: 02 September 2004	:	
Attorney Docket No.: COGO-010/01US	:	
For: IMPROVED APO E ANALOGS AND	:	
METHODS FOR THEIR USE	:	

This decision is in response to applicant's "REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. §1.48(a)" filed 12 December 2007 in the United States Patent and Trademark Office (USPTO). The petition is being treated as a request under 37 CFR 1.497(d).

BACKGROUND

On 02 September 2005, applicant filed international application PCT/US05/31431, which claimed priority of an earlier application filed 02 September 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 02 March 2007.

On 02 March 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 12 December 2007, applicant filed the present petition accompanied by an executed declaration.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

(1) a statement from each person being added or deleted as an inventor that the error in

inventorship occurred without any deceptive intention on his or her part;

(2) the fee set forth in 37 CFR 1.17(h); and

(3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b); and

(4) any new oath or declaration required by paragraph (f) of this section.

Applicant has satisfied items (1) and (2). Specifically, the inventor being added, Mr. Christopher R. Self, has signed a statement indicating that his omission from the international application was in error and without deceptive intent. In addition, applicant has authorized payment of the petition fee from deposit account number 50-1283.

Regarding item (3), applicant has not included a statement from the assignee consenting to the addition of the inventor named in the petition, as well as, right to prosecute pursuant to 37 CFR 3.73(b).

As to item (4), the filed declarations do not comply with 37 CFR 1.497. Specifically, the declaration signed by inventors Vitek and McKenna does not contain the citizenship of inventor Self, while the declaration signed by Mr. Self does not contain the citizenship of any of the inventors. 37 CFR 1.497(a)(3) requires that oath or declaration must identify each inventor, as well as, their citizenship. In addition, the declaration signed by inventors Vitek and McKenna includes residence and citizenship information which has been added, but not initialized and dated. (Note also, 37 CFR 1.497(c) for instances in which the filed declaration does not provide the residence and post office address information of the inventors.)

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file any request for reconsideration. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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14 APR 2008

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Washington, DC 20001

In re Application of	:	
VITEK, et al.	:	
U.S. Application No.: 11/661,777	:	DECISION ON RENEWED
PCT No.: PCT/US05/31431	:	
Int. Filing Date: 02 September 2005	:	PETITION UNDER
Priority Date: 02 September 2004	:	
Attorney Docket No.: COGO-010/01US	:	37 CFR 1.497(d)
For: IMPROVED APO E ANALOGS AND	:	
METHODS FOR THEIR USE	:	

This decision is in response to applicant's "Renewed Petition under 37 CFR 1.497(d)" filed 11 April 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 17 December 2007, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.497(d). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 11 April 2008, applicant filed the present renewed petition accompanied by a petition for a two-month extension of time. With the filing of the petition for a two-month extension of time and payment of the appropriate extension of time fee, applicant's present filing is timely filed.

DISCUSSION

As detailed in the decision mailed 17 December 2007, 37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

(1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) the fee set forth in 37 CFR 1.17(h); and

(3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b); and

(4) any new oath or declaration required by paragraph (f) of this section.

Applicant previously satisfied items (1) and (2).

With the filing of the present renewed petition and accompanying papers applicant has satisfied the remaining two items. Specifically, applicant has provided a compliant declaration of the inventors, as well as, a statement from the assignee, Cognosci, Inc. consenting to addition of Christopher R. Self as an inventor on the invention.

CONCLUSION

For the reasons discussed above, the renewed request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application has an international application filing date of 02 September 2005 and will be given a date of **11 April 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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November 16, 2009

James M. Slattery
Birch, Stewart, Kolasch & Birch, LLP
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Suite100 East
P.O. Box 747
Falls Church, VA 22040-0747

Patent No.: 7,573,378 B2
Application No.: 11/661,787
Inventor(s): Yoshiyuki Matsumoto, et al.
Issued: August 11, 2009
Title: **BRAKE LIGHT SYSTEM FOR VEHICLE**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.323.

A petition under C.F.R. 1.182 is required to correct the alleged error in the inventor's name. Since inventor's names are printed in accordance with the typed names on the Declaration on file, at the time of payment of the issue fee, and since non-initialed and/or non-dated changes are not taken into consideration no correction is in order here under the provision of C.F.R. 1.322 and /or 1.323.

In view of the foregoing, your request, in this mater, is hereby denied.

Any request under 37 CFR 1.182 (required fee currently $130.00) 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/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
571 272-0460 (voice)
571 270-9892 (fax)

vt

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

COPY MAILED
AUG 27 2008

In re Application of	:	
Sherwyne R. **BAKAR**, et al	:	
Application No. 11/661,791	:	DECISION ON PETITION
Filed: February 12, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 6905-0004	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 20, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement made by registered attorney Norman R. Klivans, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to Technology Center Art Unit 3688 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

17 JAN 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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66919
Attn: Thomas R. Vigil
PYLE & PIONTEK
221 N. La Salle Street, Room 2036
Chicago, IL 60601

In re Application of	:	
BISENGER *et al*	:	
U.S. Application No.: 11/661,845	:	
PCT No.: PCT/DE2005/000764	:	
Int. Filing Date: 26 April 2005	:	**DECISION**
Priority Date: 30 April 2004	:	
Attorney Docket No.: VMP-40005	:	
For: KNEE JOINT PROSTHESIS	:	

This decision is in response to the papers filed on 05 March 2007 which are treated as under 37 CFR 1.137(b) and 37 CFR 1.42.

Petition to Revive Under 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 05 March 2007 is hereby **GRANTED** as follows:

The basic national fee and petition fee for a small entity has been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Petition Under 37 CFR 1.42

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Applicants submitted a declaration executed by three of the four named inventors and by Gizelle Fitzell on behalf of co-inventor, Gerhard Fitzell, who is deceased. However, this declaration does not meet the requirements of 37 CFR 1.497(a) and (b).

The declaration notes that Gizelle Fitzell is the wife of the deceased inventor and

is signing on his behalf as required by 37 CFR 1.497(b)(2). As such, the citizenship, residence and address of the legal representative must be recorded on the declaration pursuant to 37 CFR 1.497(b)(2).

Here, the citizenship, residence and address information for the deceased inventor is listed once and it is not clear whether this information is for the legal representative or the deceased inventor. Regardless, this information must be recorded **separately** on the declaration for each.

CONCLUSION

For the reason listed above, applicants' petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
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2 8 FEB 2008

66919
Attn: Thomas R. Vigil
PYLE & PIONTEK
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Chicago, IL 60601

In re Application of BISENGER *et al* U.S. Application No.: 11/661,845 PCT No.: PCT/DE2005/000764 Int. Filing Date: 26 April 2005 Priority Date: 30 April 2004 Attorney Docket No.: VMP-40005 For: KNEE JOINT PROSTHESIS	:	**DECISION**

This decision is in response to the renewed petition under 37 CFR 1.42 filed on 16 February 2008.

BACKGROUND

On 17 January 2008, a decision dismissing applicants' petition under 37 CFR 1.42 was mailed. Applicants were given two months to respond.

On 16 February 2008, applicants submitted a renewed petition under 37 CFR 1.42 containing a declaration executed by the legal representative.

DISCUSSION

The initial declaration filed 05 March 2007 was executed by three of the four named inventors and by Giselle Fitzlaff on behalf of deceased co-inventor, Gerhard Fitzlaff. However, the declaration did not provide the citizenship, residence and address of the legal representative required by 37 CFR 1.497(b)(2).

As such, the declaration was not accepted.

In the renewed petition, applicants submitted a declaration executed by the legal representative. However, this declaration lists only the legal representative. This declaration is not in compliance with 37 CFR 1.497(a)(3) as all inventors are not listed. (It is also noted that the first name of the legal representative appears to be "Glsele" not Giselle on the declaration submitted.)

Regardless, applicants must provide declaration executed by the legal representative identifying each inventor (including the deceased inventor, Gerhard

Fitzlaff) and the country of citizenship of each inventor. The declaration must also contain the information required of the legal representative outlined in 37 CFR 1.497(b)(2).

CONCLUSION

For the reason listed above, applicants' renewed petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically using the USPTO EFS-Web or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
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1 2 JUN 2008

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66919
Attn: Thomas R. Vigil
PYLE & PIONTEK
221 N. La Salle Street, Room 2036
Chicago, IL 60601

In re Application of	:	
BISENGER *et al*	:	
U.S. Application No.: 11/661,845	:	
PCT No.: PCT/DE2005/000764	:	
Int. Filing Date: 26 April 2005	:	**DECISION**
Priority Date: 30 April 2004	:	
Attorney Docket No.: VMP-40005	:	
For: KNEE JOINT PROSTHESIS	:	

This decision is in response to the renewed petition under 37 CFR 1.42 filed on 27 April 2008.

BACKGROUND

On 28 February 2008, a decision dismissing applicants' renewed petition under 37 CFR 1.42 was mailed. Applicants were given two months to respond.

On 27 April 2008, applicants submitted a renewed petition under 37 CFR 1.42 containing a declaration executed by three of the four named inventors and the legal representative of the deceased inventor.

DISCUSSION

In the prior petition, applicants submitted a declaration executed only by the legal representative of deceased co-inventor, Gerhard Fitzlaff. As such, the declaration was not in compliance with 37 CFR 1.497(a)(3) as all inventors were not listed.

In the subject response, applicants submitted a declaration executed by three of the four named inventors and Gisela Fitzlaff as the legal representative of the deceased inventor, Gerhard Fitzlaff.

The declaration contains all the required information of the named inventors and legal representative outlined in 37 CFR 1.497(a) and (b).

CONCLUSION

The renewed papers filed under 37 CFR 1.42 are **ACCEPTED**.

11/661,845

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 26 April 2005, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 27 April 2008.

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/661,872	03/05/2007	Satoru Tanaka	131575	4258

25944 7590 05/02/2008
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
MCCALL, ERIC SCOTT

ART UNIT	PAPER NUMBER
2855	

MAIL DATE	DELIVERY MODE
05/02/2008	PAPER

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

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

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Oliff & Berridge, PLC
P.O. Box 19928
Alexandria, VA 22320

In re Application of	:	
Satoru TANAKA	:	DECISION ON REQUEST TO
Application No. 11/661,872	:	PARTICIPATE IN PATENT
Filed: 03/05/2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 131575	:	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 4 December 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

CONCLUSION

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

Response must be faxed to Michael Day at 571-273-1568.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/507,012	08/21/2006	Akira Taomoto	071025-0022	8764

20277 7590 05/08/2008
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER
PERRY, ANTHONY T

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
05/08/2008	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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McDermott, Will & Emery, LLP
600 13th Street, N.W.
Washington, D.C. 20005-3096

In re Application of
Akira TAOMOTO, et al.
Application No.: 11/507,012
Filed: August 21, 2006
Attorney Docket No.: 071025-0022

For: Electron Emission Material, Method Of Manufacturing The Same, And Electron Emission Element Including The Same

: 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 February 28, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

CONCLUSION

The request to participate in the PPH pilot program and petition comply with the above requirements. It is noted that the instant JPO application is a first action allowance, and no office action from the JPO is necessary. Accordingly, the above-identified application has been accorded "special" status.

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

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

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

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

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

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Medwick, George M.
E.I.Du Pont De Nemours and Companny
Legal Patent Records Center
4417 Lancaster Pike
Wilmington, DE 19805

Mail Date: 04/21/2010

Applicant	: Mehrdad Mehdizadeh	: DECISION ON REQUEST FOR
Patent Number	: 7616076	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/661,900	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/01/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **234** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO IL 60606

In re Application of	:	
LENG	:	
Application No.: 11/661,909	:	DECISION ON
PCT No.: PCT/CN2004/001023	:	
Int. Filing Date: 07 September 2004	:	PETITION UNDER
Priority Date: 06 April 2004	:	
Attorney Docket No.: 1991.77679	:	37 CFR 1.137(b)
For: A COMPOSITE DESK	:	

This decision is in response to applicant's submission filed 02 March 2007.

BACKGROUND

On 07 September 2004, applicant filed international application PCT/CN2004/001023 which designated the U.S. and claimed a priority date of 06 April 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 20 October 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 October 2006.

On 02 March 2007, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, an English translation of the international application as filed, a declaration of the inventor, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 02 March 2007.

As to item (2), applicant submitted the petition fee on 02 March 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of the inventors filed 02 March 2007 is in compliance with 37 CFR 1.497(a)-(b). The surcharge under 37 CFR 1.492(h) of $65 for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage has been charged to Deposit Account 07-2069.

Translation

The processing fee under 37 CFR 1.492(i) of $130 for providing an English translation later than thirty months from the earliest priority date has been charged to Deposit Account 07-2069.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Mail Date: 04/21/2010

Applicant	: Dan Peters	: DECISION ON REQUEST FOR
Patent Number	: 7696350	: RECALCULATION of PATENT
Issue Date	: 04/13/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/661,966	: OF WYETH
Filed	: 03/06/2007	:
		:

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

26 AUG 2008

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Washington, D.C. 20231
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Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

In re Application of	:	
KUBO, et al.	:	
Serial No.: 11/661,967	:	
PCT No.: PCT/JP05/16516	:	DECISION ON PETITION
Int. Filing Date: 08 September 2005	:	
Priority Date: 08 September 2004	:	UNDER 37 CFR 1.47(a)
Atty Docket No.: 09812.0081	:	
For: RECORDING APPARATUS AND METHOD,	:	
REPRODUCING APPARATUS AND METHOD,	:	
AND PROGRAM	:	

This decision is in response to applicant's "PETITION UNDER 37 C.F.R. §1.47(a)" filed 11 August 2008 to accept the application without the signature of joint inventor Takashi Oguma.

BACKGROUND

On 08 September 2005, applicant filed international application PCT/JP05/16516 which claimed priority to a previous application filed 08 September 2004. A copy of the international application was transmitted to the United States on 16 March 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 08 March 2007.

On 06 March 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application as filed; an Information Disclosure Statement and a preliminary amendment.

On 11 January 2008, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 11 August 2008, applicant filed a response including the present petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor Takashi Oguma accompanied by a petition for a five-month extension of time. With the filing of the petition for a five-month extension of time and payment of the appropriate extension of time fee, the present

response is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items 1 and 3.

Regarding item (2), Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) states, in part:

> Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature.

It does not appear from the Wada declaration that a complete set of application papers was sent to the inventor. It is impossible to know for sure as English translations of the exhibits have not been provided.

Regarding item (4), the declaration filed 11 August 2008 does not comply with 37 CFR 1.497 (a)-(b).

Specifically, MPEP Section 201.03 states that:

An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

The filed declaration contains multiple pages 4 though 7. This suggests that either the filed declaration was compiled from numerous declarations or that the inventors only returned their signature pages. Either scenario renders the document non-compliant.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED without prejudice**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294
Fax: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

0 6 APR 2009

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Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

In re Application of	:	
KUBO, et al.	:	
Serial No.: 11/661,967	:	
PCT No.: PCT/JP05/16516	:	DECISION ON PETITION
Int. Filing Date: 08 September 2005	:	
Priority Date: 08 September 2004	:	UNDER 37 CFR 1.47(a)
Atty Docket No.: 09812.0081	:	
For: RECORDING APPARATUS AND METHOD,	:	
REPRODUCING APPARATUS AND METHOD,	:	
AND PROGRAM	:	

This decision is in response to applicant's "RENEWED PETITION UNDER 37 C.F.R. §1.47(a) IN RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS" filed 26 March 2009 to accept the application without the signature of joint inventor Takashi Oguma.

BACKGROUND

On 26 August 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 26 March 2009, applicant filed the present renewed petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor Takashi Oguma accompanied by a petition for a five-month extension of time. With the filing of the petition for a five-month extension of time and payment of the appropriate extension of time fee, the present response is considered timely filed.

DISCUSSION

As detailed in the decision mailed 26 August 2008, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1 and 3.

Applicant has presently provided a compliant declaration of the remaining inventors signed on behalf of the non-signing inventor thus satisfying item 4 above.

Regarding item (2), Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) states, in part:

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made.

Here, applicant has provided a statement from Koichi Wada setting forth the efforts made to obtain the signature of the nonsigning inventor. However, Mr. Wada's statement and the exhibits thereto make clear that Mr. Wada was not the person who forwarded the application materials to the nonsigning inventor. Accordingly, the present submission does not meet the requirements set forth in the MPEP.

Before item (4) can be considered satisfied, applicants must provide statements from "the person[s] who presented the inventor with the application papers (Ms. Haru Yokomise) providing the required firsthand confirmation that the nonsigning inventor (and/or his attorney) has been provided with a copy of the complete application papers. Absent a firsthand confirmation of the materials provided to the inventor his continued silence cannot be considered as a refusal under 37 CFR 1.47.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED without prejudice**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
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Fax: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

2 7 AUG 2009

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Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

In re Application of	:	
KUBO, et al.	:	
PCT No.: PCT/JP05/16516	:	DECISION ON RENEWED
Application No.: 11/661,967	:	
Int. Filing Date: 08 September 2005	:	PETITION UNDER
Priority Date: 08 September 2004	:	
Atty. Docket No.: 09812.0081	:	37 CFR 1.47(a)
For: RECORDING APPARATUS AND METHOD,	:	
REPRODUCING APPARATUS AND METHOD,	:	
AND PROGRAM	:	

This decision is in response to applicant's second renewed petition under 37 CFR 1.47(a) filed 06 August 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 06 April 2009, applicant was mailed a decision dismissing applicant's renewed petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 06 August 2009, applicant filed the present second renewed petition under 37 CFR 1.47(a) accompanied by a petition for a two-month extension of time and payment of the appropriate extension of time fee. The response is considered timely filed.

DISCUSSION

As detailed in the decision mailed 06 April 2009, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1, 3 and 4.

Regarding item (2), applicant has presently provided a declaration from Haru Yokomise detailing firsthand knowledge of the mailing of a complete set of application papers to the non-signing inventor thus satisfying the remaining item. Therefore, it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 08 September 2005 under 35 U.S.C. 363, and will be given a date of **26 March 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

2 7 AUG 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. Takashi Oguma
1-25-13 Ann House Kaminoge 202
Kaminoge, Setagay-ku
Tokyo 158-0093
JAPAN

In re Application of
KUBO, et al.
PCT No.: PCT/JP05/16516
Application No.: 11/661,967
Int. Filing Date: 08 September 2005
Priority Date: 08 September 2004
Atty. Docket No.: 09812.0081
For: RECORDING APPARATUS AND METHOD, REPRODUCING APPARATUS AND METHOD, AND PROGRAM

Dear Mr. Oguma:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

David W. Hill
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

1 5 FEB 2008

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YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

In re Application of RAINERI, Gabriele et al. Application No.: 11/661,980 PCT No.: PCT/IT2004/000547 Int. Filing Date: 05 October 2004 Priority Date: 04 December 2003 Docket No.: 2507-1097 For: DOUBLE FRET-SHAPED IMPROVED SHEATH FOR LAYING FLOORS AND/OR LININGS WITH TILES, PARQUET, MOQUETTE, WALL-PAPER, PANEL COATINGS AND THE LIKE, AS WELL AS THEIR QUICK PULLING AWAY IN CASE OF THEIR REPLACEMENT	DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's Petition Under 37 CFR 1.137(b), filed in the above-captioned application on 06 March 2007 is **GRANTED**.

Applicant indicates that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant supplied a declaration of inventorship in compliance with 37 CFR 1.497(a)-(b), during the international phase. The fee for late filing of the search fee, examination fee or oath or declaration has been furnished.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 06 March 2007.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Jiro Kaneko	: DECISION ON REQUEST FOR
Patent Number	: 7597165	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/661,986	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **443** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

2 4 DEC 2008

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Bryan A. Santarelli
Graybeal Jackson Haley
155 - 108th Avenue N.E.
Suite 350
Bellevue WA 98004-5973

In re Application of NERI, Carlo, et al. Application No.: 11/662,000 PCT No.: PCT/IB2005/002611 Int. Filing Date: 02 September 2005 Priority Date: 03 September 2004 Docket No.: 2323-013-03 For: ROAD VEHICLE INTEGRATED CLUTCH-TRANSMISSION ASSEMBLY	DECISION ON PETITION UNDER 37 CFR 1.181

This is a decision is in response to applicant's petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 24 November 2008.

BACKGROUND

On 17 January 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 01 October 2008, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to timely reply to the Notification of Missing Requirements mailed 17 January 2008.

On 24 November 2008, applicants filed this petition under 37 CFR 1.181.

DISCUSSION

The showing required to establish nonreceipt of an Office communication is set forth in MPEP 711.03(c). The showing must include: (1) a statement by the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO, (2) a statement from practitioner that the Office action was not received by the practitioner at the correspondence address of record; (3) a statement attesting that a search of practitioner's records including the file jacket or the equivalent and application contents, indicates that the Office action was not received; and (4) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Items (1), (2) and (3) have been satisfied.

Item (4) has not been satisfied. The preferred evidence of nonreceipt of the Notification of Missing Requirements is the master docket report for the firm on the date on which a response to the Notification of Missing Requirements would have been docketed had it been received and docketed for response. In this case, the Office wants the master docket report for the firm for 17 March 2008. If this is not available, applicant must so state and provide the alternative information. The docket record for a

single client or application is not sufficient. The calendar dockets are apparently for a single practitioner and a single assistant.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The application remains **ABANDONED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents
United States Patent and Trademark Office
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Bryan A. Santarelli
Graybeal Jackson LLP
155-108th Avenue NE, Suite 350
Bellevue, Washington 98004-5973

In re Application of	:	
NERI et al.	:	
Application No.: 11/662,000	:	
PCT No.: PCT/IB05/02611	:	DECISION ON
Int. Filing Date: 2 September 2005	:	
Priority Date: 3 September 2004	:	PETITION UNDER
Docket No.: 2323-013-03	:	
For: ROAD VEHICLE INTEGRATED	:	37 CFR 1.181
CLUTCH-TRANSMISSION ASSEMBLY	:	

This is a decision on applicant's "Petition Under 37CRF 1.181 to withdraw the Holding of Abandonment," filed in the United States Patent and Trademark Office (USPTO) on 23 January 2009.

BACKGROUND

On 17 January 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CRF 1.497(a)-(b) was required.

On 01 October 2008, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to timely reply to the Notification of Missing Requirements mailed 17 January 2008.

On 24 November 2008, applicants filed a petition under 37 CFR 1.181.

On 24 December 2008, the petition was dismissed because applicants failed to submit a copy of the docket record where the non-received Office Action would have been entered had it been received.

On 23 January 2009, applicants filed this petition under 37 CFR 1.181.

DISCUSSION

The showing required to establish nonreceipt of an Office communication is set forth in MPEP711.03(c). The showing must include: (1) a statement by the practitioner describing the system used for recording an Office Action received at the correspondence address of record with the USPTO, (2) a statement from practitioner that the Office Action was not received by the practitioner at the correspondence address of record; (3) a statement attesting that a search of practitioner's records including the file jacket or the equivalent and application contents, indicates that the Office Action was not received; and (4) a copy of the docket record where in the non-received Office Action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Items (1), (2), (3) and (4) have been satisfied.

CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.181 is **GRANTED**.

Celine Qian
Examiner
Office of PCT Legal Administration
Tel: (571) 272-6094
Fax: (571) 273-0459

Leonard Smith
Supervisory PCT Legal Examiner
Office of PCT Legal Administration

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MAILED

APR 27 2010

OFFICE OF PETITIONS

In re Application of

Frederico Bilotti

Application No. 11/662,033

Filed: December 12, 2007

Attorney Docket No. **END5187USPCT**

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), February 24, 2010, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee and publication fee as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed October 13, 2009. The Notice set forth a three (3) month statutory period for reply. The fees were not received within the allowable period. Accordingly, this application became abandoned on January 14, 2010. A Notice of Abandonment was mailed February 24, 2010.

Deposit account 10-0750 will be charged $1,620.00 for the petition fee, $300.00 for the publication fee, and $1,510 for the issue fee.

Form PTOL-85B, filed February 24, 2010, is noted and made of record.

The application is being directed to the Office of Data Management for further processing.

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

Kenya A. McLaughlin
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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27 JUL 2007

Buchanan, Ingersoll & Rooney, PC
Post Office Box 1404
Alexandria, VA 22313-1404

In re Application of	:	
FALK, Johan	:	
Application No.: 11/662,062	:	DECISION ON PETITION
PCT No.: PCT/SE05/01126	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 07 July 2005	:	
Priority Date: 19 August 2004	:	
Attorney Docket No.: 1024944-000232	:	
For: A SEALED BEARING	:	

The petition to revive under 37 CFR 1.137(b) filed 07 March 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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0 4 MAR 2008

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

In re Application of YASUGI U.S. Application No.: 11/662,087 PCT No.: PCT/JP05/16389 Int. Filing Date: 07 September 2005 Priority Date: 07 September 2004 Attorney's Docket No.: YASUGI 1 For: PROCESS FOR PRODUCING WATER-SOLUUBLE HYALUROINIC ACID MODIFICATION	DECISION ON PETITION UNDER 37 CFR 1.182

This decision is in response to applicant's "Petition to Correct Application Number on Transmittal Letter" filed 27 February 2007 in the United States Patent and Trademark Office (USPTO) to correct the error in the Transmittal Letter (Form PTO-1390) filed 07 March 2007. The petition is being treated under 37 CFR 1.182 and applicant has provided payment of the $400.00 petition fee.

BACKGROUND

On 27 December 2007, applicant was mailed a communication indicating a discrepancy between the international application number listed on the Form PTO01390 and the other filed documents including the application data sheet and executed declaration. Applicant was afforded two months to file a petition under 37 CFR 1.182 to correct the error and associated the present application under 35 U.S.C. 371 with the correct international application number.

On 27 February 2008, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The identifying information provided on the transmittal letter filed by applicant on 07 March 2007, i.e., the title, applicant-inventor information, priority date, and international filing date all correspond to that of PCT/JP05/16389. For these reasons, as well as the explanation provided in the present petition, it has been concluded that the national stage papers filed 07 March 2007 sufficiently identified international application PCT/JP05/16389. Pursuant to petitioner's request, the national stage papers assigned U.S. application number 11/662,087 will be treated as a U.S. national stage submission for PCT/JP05/16389.

Regarding applicant's request for refund of the petition fee, it is the policy of the office to

require the 37 CFR 1.182 petition in the present instance in order to consider the association of the appropriate international application to have been made prior to the expiration of thirty months from the priority date and avoid the abandonment of the application.

CONCLUSION

For the reasons above, applicant's "Petition Under 37 CFR 1.182" is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of U.S. application number 11/662,087 as the U.S. national stage application of PCT/JP05/16389; specifically, the preparation and mailing of a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating that the present application is the U.S. National stage entry for international application PCT/JP05/16389 with a date of **07 March 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

Derek A. Putonen
Attorney Advisor
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UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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May 12, 2009

Paul Teng
Cooper & Dunham LLP
30 Rockefeller Plaza 20th Floor
New York, NY 10112

Patent No.: 7,486,076 B2
Application No.: 11/662,108
Inventor(s): Hisako Nagao
Issued: February 3, 2009
Title: **MAGNETIC RESONANCE IMAGING APPARATUS AND METHOD WITH ADJUSTMENT IN POSITIONING WITHIN IMAGING SPACE TO CORRECT DEVIATION FROM DESIRED POSITION**

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) 756-1591

vt

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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JUL 07 2009

OFFICE OF PETITIONS

COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

In re Application of Nagao et al. Application No. 11/662,108 Filing Date: March 6, 2007 Patent No. 7,486,076 Issue Date: February 3, 2009 Attorney Docket Number: 1141/77494 Title: MAGNETIC RESONANCE IMAGING APPARATUS AND METHOD WITH ADJUSTMENT IN POSITIONING WITHIN IMAGING SPACE TO CORRECT DEVIATION FORM DESIRED POSITION	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 3.81(B)

This is a decision on the petition pursuant to 37 C.F.R. § 3.81(b),[1] filed June 10, 2009, to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b).

The petition is **GRANTED**.

With this petition, Petitioner requests that a Certificate of Correction be issued to correct the assignee information that appears on the face of the patent. Petitioner submits a "Certificate of Correction" for this purpose, which indicates that the name of the Assignee should be changed from "Ricoh Company, Ltd." to "Hitachi Medical Corporation."

1 See Official Gazette, June 22, 2004.

37 C.F.R. § 3.81(b), effective June 25, 2004, reads:

> (b) 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.

Petitioner has set forth that the assignment was submitted for recordation as set forth in 37 C.F.R. § 3.11 before issuance of the patent, and Office records confirm that an assignment was received in the Office on April 24, 2007.

Both the required $130 processing fee and the required $100 certificate of correction fee have been received.

The Certificates of Correction Branch will be notified of this decision so that the requested Certificate of Correction can be issued.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Paul Shanoski

Paul Shanoski
Senior Attorney
Office of Petitions

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

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Commissioner for Patents
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Alexandria, VA 22313-1450
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2 0 SEP 2007

Kimberly A. CHASTEEN
PO Box 1243
Yorktown, VA 23692

In re Application of:
VARNEY, Mark, Sinclair, et al.
U.S. Application No.: 11/662,111
PCT No.: PCT/GB2005/003196
International Filing Date: 12 August 2005
Priority Date: 13 August 2004
Atty Docket No.: 045447.11
For: GAS SENSOR

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 06 March 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3).

Applicants have now submitted the small entity basic national fee, and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the national stage in the United States of America.

It is noted that the 06 March 2007 submission included an executed declaration in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 06 March 2007.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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07 AUG 2007

Greer, Burns & Crain, LTD
300 South Wacker Drive
25th Floor
Chicago, IL 60606

In re Application of LENG, Luhao Application No.: 11/662,112 PCT No.: PCT/CN04/01024 Int. Filing Date: 07 September 2004 Priority Date: 06 April 2004 Attorney Docket No.: 1991.77681 For: KIND OF DESK	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 06 March 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith

Anthony Smith
Attorney-Advisor
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

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OFFICE OF PETITIONS

Applicant: Patzold
Appl. No.: 11/662,123
International Filing Date: September 6, 2005
Title: HINGE REINFORCEMENT FOR A MOTOR VEHICLE DOOR HINGE
Attorney Docket No.: 17089/015001
Pub. No.: US 2008/0087780 A1
Pub. Date: April 17, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 17, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in claim 4, wherein the word "part" appears as "party", along with other minor errors in the abstract.

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

The error in claim 4 noted by requestor in the claim is not a material Office error under 37 CFR 1.221. The surrounding sentence allows the public to understand the intended meaning, particularly in view of the correct language in the specification. The errors in the abstract similarly do not affect the public's ability to appreciate the technical disclosure of the publication or to determine the scope of the publication or the provisional rights.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily

[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).

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

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any questions or request for reconsideration of the decision should be addressed as follows:

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

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or the undersigned at (571) 272-7709.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: Copy

DATE : 01-25-10

TO SPE OF : ART UNIT 2874

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/662154 Patent No.: 7587105

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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

Thank You For Your Assistance

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

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

Comments: The Request for Certificate of Correction to correct typographical errors, no new matters added.

/UYEN-CHAU N. LE/ — **SPE**

2874 — **Art Unit**

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

26486
BURNS & LEVINSON LLP
125 Summer Street
Boston, MA 02110

25 FEB 2008

In re Application of
WARD, Michael A.
U.S. Application No.: 11/662,165
PCT No.: PCT/US2005/032307
Int. Filing Date: 09 September 2005
Priority Date: 09 September 2004
Attorney Docket No.: 6050 P61US
For: IMPROVED SQUISH FLOW COUPLING IN AN IC ENGINE WITH HIGH ENERGY COIL PER PLUG INDUCTIVE IGNITION WITH IMPROVED PENCIL TYPE COILS

DECISION

This decision is in response to the "Petition to the Director Under 37 CFR 1.182" filed via facsimile on 21 February 2008.

BACKGROUND

On 07 March 2007, petitioner filed papers to enter the national stage. The PCT application number was listed as PCT/US2005/03207 on the transmittal letter (PTO-1390) and Application Data Sheet (ADS) submitted. As such, the above-identified national stage papers were processed as the national stage of PCT/US2005/003207.

On 21 February 2008, after a telephone call from the undersigned, petitioner filed the subject petition to correct the underlying PCT number. Petitioner authorized that any required fees be charged to Deposit Account No. 03-2410.

DISCUSSION

Petitioner requests that the original papers filed 07 March 2007 be modified to reflect the correct PCT application and have filed the subject petition under 37 CFR 1.182. Petitioner also requests that the Office substitute the original transmittal letter and ADS with the transmittal letter and ADS filed with the instant petition. The $400.00 petition fee has been charged to Deposit Account No. 03-2410 as authorized.

A review of the above-captioned application file verifies that the wrong U.S. application number was designated on the transmittal letter and ADS filed with the

original papers on 07 March 2007. The title, name of applicant and priority numbers listed on the ADS correspond to PCT/US2005/032307, not PCT/US2005/03207. Petitioner also submitted a declaration by Marian E. Jackson who states that she "inadvertently wrote the priority application number PCT/US2005/03207 instead of the correct number PCT/US2005/32307 on the papers. . ."

This is sufficient for a grantable petition under 37 CFR 1.182. As such, the above-captioned application will reflect that the papers are the national stage of PCT/US2005/032307.

Nonetheless, to enter the national phase in the United States, applicant is required to denote the correct international application somewhere in the documents. Here, only one international application was identified, PCT/US2005/03207. Applicant did not identify the correct PCT number on any documents until the subject petition was filed on 21 February 2008.

CONCLUSION

For the reasons listed above, the petition under 37 CFR 1.182 to correct the PCT application number corresponding to the subject application is **GRANTED**.

However, the above-captioned application is hereby **ABANDONED** for failing to properly enter the national stage of PCT/US2005/032307 by thirty months from the priority date.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Applicant may also wish to consider filing a petition to revive under 37 CFR 1.137(b).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

0 3 APR 2008

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

26486
BURNS & LEVINSON LLP
125 Summer Street
Boston, MA 02110

In re Application of :
WARD, Michael A. :
U.S. Application No.: 11/662,165 :
PCT No.: PCT/US2005/032307 :
Int. Filing Date: 09 September 2005 :
Priority Date: 09 September 2004 :
Attorney Docket No.: 6050 P61US : **DECISION**
For: IMPROVED SQUISH FLOW :
COUPLING IN AN IC ENGINE WITH :
HIGH ENERGY COIL PER PLUG :
INDUCTIVE IGNITION WITH :
IMPROVED PENCIL TYPE COILS :

Applicants' petition to revive under 37 CFR 1.137(b) filed on 26 March 2008 is hereby **GRANTED** as follows:

An appropriate reply was submitted on 21 February 2008 in the prior petition. The petition to revive fee of $770.00 has been charged to Deposit Account No. 03-2410 as authorized. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

United States Patent and Trademark Office

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

24 JUL 2007

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA VA 22320

In re Application of	:	
Morrison	:	
Application No.: 11/662,196	:	
PCT No.: PCT/AU05/00378	:	
Int. Filing Date: 18 March 2005	:	DECISION
Earliest Priority Date: 02 July 2004	:	
Attorney Docket No.: 131500	:	
For: Hose Assembly Analysis Apparatus And Methods	:	

The petition to revive under 37 CFR 1.137(b) filed 07 March 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant states that "the entire delay in filing this U.S. National Stage Application from its due date until the filing of this grantable petition was unintentional." This is being construed as a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement is not correct. Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

Review of the declaration of the inventor filed on 06 April 2007 reveals that it is acceptable under 37 CFR 1.497(a) and (b).

This application is being forwarded to the United States Designated/Elected Office for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **06 April 2007**.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

2 2 JAN 2008

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of DRANE et al.	:	
Application No.: 11/662,203	:	
PCT No.: PCTAU05/01358	:	DECISION ON
Int. Filing: 07 September 2005	:	
Priority Date: 07 September 2004	:	PETITION TO REVIVE
Attorney Docket No.: 011826-0002-999	:	
For: RADIO MOBILE UNIT LOCATION SYSTEM	:	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 08 March 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the"entire delay in filing this application from its March 7, 2007 due date, the resulting abandonment, and the delay in prosecution until the filing of a grantable petition was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $300 has now been provided. The required petition fee of $1500 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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2 9 AUG 2007

Bruce L Adams ESQ
Adams & Wilks
17 Battery Place
Suite 1231
New York NY 10004

In re Application of	:	
AKIMOTO et al.		
Application No.: 11/662,229	:	DECISION
PCT No.: PCT/JP2005/015518	:	
Int. Filing Date: 26 August 2005	:	
Priority Date: 10 September 2004	:	
Attorney Docket No.: W001-5968(PCT)	:	
For: STATOR VANE OF TURBO	:	
MOLECULAR PUMP	:	

This decision is in response to applicants' "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371", which has properly been treated as a petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office (USPTO) on 30 July 2007. No petition fee is required.

BACKGROUND

On 26 August 2005, applicants filed international application PCT/JP2005/015518, which designated the United States and claimed a priority date of 10 September 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 March 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 March 2007 (10 March 2007 being a Saturday).

On 08 March 2007, applicants filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee, a declaration of inventors, and an English translation of the international application as filed.

On 23 July 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required.

On 23 February 2007, applicants filed the instant "RESPONSE TO NOTIFICATION OF

MISSING REQUIREMENTS UNDER 35 U.S.C. 371", which has properly been treated as a petition under 37 CFR 1.181". The petition was accompanied by, *inter alia*, a copy of a declaration of inventors.

DISCUSSION

The NOTIFICATION OF MISSING REQUIREMENTS mailed 23 July 2007 indicated that the declaration of inventors filed 08 March 2007 did not include the signature of the first inventor.

The copy of the declaration of inventors accompanying the instant petition has been reviewed. Comparison with the scanned copy of the declaration of inventors filed 08 March 2007 (original declaration) in the electronic file appears to show that the first page of the original declaration was not scanned properly. The electronic file shows the last line of the first page of the original declaration as reading "Chiba, 276-8523". The scanned copy of the copy of the declaration filed 30 July 2007 shows the last line of the first page as reading "X See second page for additional joint inventors" and includes the signature of the first named inventor. Practitioner states that the copy of the declaration filed 30 July 2007 is a copy of the declaration originally filed 08 March 2007. Therefore, the copy of the declaration received on 30 July 2007 may properly be accepted as originally received in the USPTO on 08 March 2007. The NOTIFICATION OF MISSING REQUIREMENTS mailed 23 July 2007 is hereby vacated.

The declaration filed 08 March 2007 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTIFICATION OF MISSING REQUIREMENTS mailed 23 July 2007 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED

JUN 10 2009

OFFICE OF PETITIONS

Applicant: Nicklin, et al.
Appl. No.: 11/662,257
International Filing Date: March 9, 2005
Title: PRESSURE LEACHING SYSTEM AND METHOD
Attorney Docket No: 0446-0193PUS1
Pub. No.: US 2008/ 0274027 A1
Pub. Date: November 6, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 5, 2009, for the above-identified application requesting republication as the Article 34 amendment was not incorporated in the publication.

Applicant requests that the application be republished because the patent application publication does not include the Article 34 amendments.

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 application was correctly published with the specification filed on March 9, 2005. The patent application publication does not include a mistake regarding the failure to include the Article 34 amendment or preliminary amendment, because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). [2]

Applicant did not file a substitute specification, which incorporated the amendment. Applicant did not file a copy of the application in compliance with the Office electronic filing systems requirements. See 37 CFR 1.215 and MPEP 1121.

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[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).
[2] Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan; Final Rule, 69 FR 56482 (Sept. 21, 2004).

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on January5, 2009, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOVAK DRUCE + QUIGG, LLP
1300 EYE STREET, NW, SUITE 1000
SUITE 1000, WEST TOWER
WASHINGTON DC 20005

COPY MAILED

SEP 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Frare, Silvano	:	
Application No. 11/662,264	:	ON PETITION
Filed: March 9, 2007	:	
Attorney Docket No. 8455.038.US0000	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 31, 2009, to revive the above-identified application.

The petition is **GRANTED**.

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

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

This matter is being referred to Technology Center AU 2873 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE

17 JUL 2008

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P.O BOX 1450
ALEXANDRIA, VA 22313-1450
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Finnegan, Henderson, Farabow,
Garrett & Dunener, LLP
901 New York Avenue, N.W.
Washington, DC 20001-4413

In re Application of	:	DECISION ON
TERAMOTO et al	:	
Application No.: 11/662,281	:	
PCT No.: PCT/JP05/016756	:	
Int. Filing Date: 12 September 2005	:	PETITION
Priority Date: 13 September 2004	:	
Attorney's Docket No.: 05273.0106	:	
For: CONSTRUCTION OF ARTERIAL OCCLUSIVE	:	
DISEASE ANIMAL MODEL	:	UNDER 37 CFR 1.182

This decision is in response to applicants' "PETITION UNDER 37 C.F.R. §1.182" filed on 04 March 2008. Applicants' Deposit Account No.: 06-0916 has been charged $400.00 petition fee under 37 C.F.R. 1.17(f).

BACKGROUND

On 12 September 2005, applicants filed international application No. PCT/JP2005/016756, which claims a priority date of 13 September 2004.

On 09 March 2007, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. Applicants, however, have not satisfied the requirement set forth by 35 U.S.C. 371(c)(4) because an unexecuted declaration has been provided.

On 02 April 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date." The notice also indicated that a $130 surcharge for providing the oath or declaration later than 30 months from the priority date is required. The Notice stated that the declaration must be submitted within two months from the date of this notice or 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 04 March 2008, applicants filed an executed declaration and the instant petition requesting to change the order of names in the patent application, and it was accompanied by a new application date sheet with the requested order for the names of the inventors in the patent application.

DISCUSSION

MPEP § 605.04(f) requires in instances where to change the order of names in the patent application when the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) should include an application data sheet showing the new order of inventor names to ensure appropriate printing of the inventor names in any patent to issue.

With respect to item (1), the petition fee has been charged to applicants' deposit account.

With respect to item (2), applicants have provided a new application data sheet with the correct order of inventor names.

In addition, applicants have file an executed declaration submitted with the correct order of the names of the inventors for the patent application.

CONCLUSION

For the reasons above, the petition under 37 CFR §1.182 is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

23845

OIPE JAN 15 2009 PATENT & TRADEMARK OFFICE

1-16-09

11662309

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JAN 15 2009
Date

EM130045105
Express mail label number

Signature

IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor	Rainer OPOLKA et al
Patent No.	7,461,960
Issued	9 December 2008
For	LED ILLUMINATION MODULE

Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Certificate
JAN 22 2009
of Correction

TRANSMITTAL LETTER

In the above-mentioned Letters Patent, the name of the Assignee is incorrect.

The correct company name of the Assignee should be:

- - ZWEIBRUDER OPTOELECTRONICS GMBH - -

It is therefore respectfully requested that the Letters Patent be corrected, and a new Letters Patent be issued. Please charge by the enclosed PTO-2038 to account 18-2025 of the undersigned, since the originally submitted papers were incorrect.

01/16/2009 SSESHE1 00000034 7461960
01 FC:1811 100.00 OP

If this request is granted, please forward it to the Certificates of Correction Branch, for issuance of a Certificate of Correction.

Respectfully submitted,
KF Ross PC

By: Andrew Wilford, 26,597
Attorney for Applicant

30 December 2008
5683 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: (718) 884-6600
Fax: (718) 601-1099

pf
Enclosures: PTO SB/44 (Also PTO form 1050) Certificate of Correction
PTO 2038

Certificate of Express or First-Class Mailing

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23845

Date

PTO/SB/44

Express-mail label number

(Also Form PTO-1050)

Signature

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO: 7,461,960
DATED : 9 December 2008
INVENTORS: Rainer OPOLKA et al

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

The name of the Assignee should be shown as:

- - ZWEIBRUDER OPTOELECTRONICS GMBH - -

Andrew Wilford, 26,597

30 December 2008

Mailing address of sender:

Patent No. 7,461,960

The Firm of Karl F. Ross P.C.
Customer Number 535
5683 Riverdale Avenue Box 900
Riverdale (Bronx), NY 10471-0900

UNITED STATES PATENT AND TRADEMARK OFFICE

3 1 OCT 2008

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MANELLI DENISON & SELTER
2000 M STREET NW SUITE 700
WASHINGTON DC 20036-3307

In re Application of: JARNMARK ET AL.	:	DECISION
U.S. Application No.: 11/662,359	:	
PCT Application No.: PCT/SE2005/001324	:	ON
Int. Filing Date: 12 September 2005	:	
Priority Date: 10 September 2004	:	PETITION
Atty Docket No.: 16012-11901	:	
For:	:	UNDER
	:	
	:	37 CFR 1.497(d)

This is in response to the submission filed on 04 June 2008, ~~48~~ "RULE 48 PETITION TO CORRECT INVENTORSHIP", which is being treated as a petition under 37 CFR 1.497(d) to add Gregor Olofsson as an inventor.

BACKGROUND

On 12 September 2005 applicant filed international application No. PCT/SE2005/001324 claiming a priority date of 10 September 2004.

On 08 March 2007, applicant filed application papers for entry into the national stage in the United States of America. Also filed with the application papers inter alia was the requisite basic national fee.

On 04 June 2008, petitioner filed the present petition under 37 CFR 1.497(d) and an executed declaration.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(2) the fee set forth in 1.17(I); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR 3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1)-(3) under 37 CFR 1.497(d).

With respect to item (1), the statement submitted on 04 June 2008 by Gregor Olofsson is sufficient because the statement states that the error in inventorship occurred without deceptive intent.

With respect to item (2), the processing fee of $130.00 has been charged to Deposit Account No. : 500687.

With respect to item (3), the assignee states that Tomas Jarnmark consents to the addition of Gregor Olofsson as a co-inventor to the above patent application as filed in the executed declaration.

Accordingly, the request satisfies the requirements under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is GRANTED.

The application has an international filing date under 35 U.S.C. 363 of 12 September 2005 and a date under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) of 04 June 2008.

The application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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PCT Special Programs, Detailee
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Bryan Lin
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14 NOV 2008

KLAUS P. STOFFEL
ONE BOLAND DRIVE
WEST ORANGE, NJ 07052

In re Application of MAURY	:	
U.S. Application No.: 11/662,438	:	
PCT Application No.: PCT/CH2005/000482	:	DECISION
Int. Filing Date: 19 August 2005	:	
Priority Date Claimed: 09 September 2004	:	
Attorney Docket No.: 11596-86	:	
For: MODULAR LIFT CAGE	:	

This is in response to applicant's "Request to Correct Inventorship Under 37 C.F.R. 1.497" filed 27 May 2008.

BACKGROUND

On 19 August 2005, applicant filed international application PCT/CH2005/000482, which claimed priority of an earlier European Patent Office application filed 09 September 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 16 March 2006. The thirty-month period for paying the basic national fee in the United States expired on 09 March 2007.

On 09 March 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 21 November 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 27 May 2008, applicant filed the present petition under 37 CFR 1.497(d) along with an executed declaration.

DISCUSSION

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, written consent from the assignee has been provided.

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) is not required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 19 August 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 27 May 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

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2 0 AUG 2007

In re Application of	:	
Turcic et al.	:	
Application No.: 11/662,456	:	
PCT No.: PCT/US05/31847	:	
Int. Filing Date: 08 September 2005	:	DECISION
Earliest Priority Date: 08 September 2004	:	
Attorney Docket No.: 6485-0040WOUS	:	
For: Centrifuge Nozzle And Method And Apparatus	:	
For Inserting Said Nozzle Into A Centrifuge Bowl	:	

The petition to revive under 37 CFR 1.137(b) filed 09 March 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." This statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration of the inventors compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

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2 0 AUG 2008

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00136
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In re Application of
BRUCE, HANS
U.S. Application No.: 11/662,485
PCT No.: PCT/SE2005/001333
Int. Filing Date: 14 September 2005
Priority Date: 15 September 2004
Attorney Docket No.: P71770US0
For: METHOD AND DEVICE FOR ENSURING MAINTAINED TEMPERATURE INSIDE A TRANSPORT CONTAINER OR THE LIKE

DECISION ON PAPERS FILED UNDER 37 CFR 1.42

This is a decision on the declaration filed on 21 March 2008 which has been treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 22 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath/declaration in compliance with 37 CFR 1.497(a) and (b) must be provided. Applicants were given two months to respond.

On 21 March 2008, applicants submitted a declaration signed by three legal representatives of the deceased inventor, Hans Bruce.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The citizenship, residence and address of the deceased inventor is listed on the declaration pursuant to 37 CFR 1.497(a)(3) and 37 CFR 1.63(c)(1). Moreover, the citizenship, residence and address of the three legal representatives are recorded on

the declaration satisfying 37 CFR 1.497(b)(2) .

Therefore, the declaration complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 14 September 2005, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 21 March 2008.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

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UNITED STATES PATENT and TRADEMARK OFFICE

27 MAY 2008

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In re Application of	:	
Koops et al	:	
Application No.: 11/662,501	:	
PCT No.: PCT/JP05/16747	:	
Int. Filing Date: 12 September 2005	:	DECISION
Priority Date: 13 September 2004	:	
Attorney's Docket No.: 070104	:	
For: DIRECT MOUNTING CONNECTOR	:	

This decision is in response to applicants' "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS AND NOTICE OF CORRECT SPELLING OF THE INVENTOR'S NAME," which is being treated as a petition under 37 CFR 1.181, filed on 02 October 2007 indicating that the executed declaration filed on contains the correct spelling of the fourth inventors' name KENJIRO SHIBA. The published PCT international application contained an error since KENJIRO SHIBA was misspelled as KENSHIRO SHIBA.

BACKGROUND

On 12 March 2007, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee, and an executed declaration was filed at that time.

On 13 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and(b), in that the spelling of the fourth inventor's given name doesn't correspond with what is on the published application." The notification indicated that a new oath or declaration must be submitted within two (2) months from the date of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 02 October 2007, applicants submitted the current petition, "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS AND NOTICE OF CORRECT SPELLING OF THE INVENTOR'S NAME, which included an explanation about the fourth named inventor listed as KENJIRO, Shiba, which is his correct pronunciation and spelling rather than as KENSHIRO, Shiba.

DISCUSSION

The correct name of the fourth joint-inventor is "KENJIRO Shiba" as filed in the executed declaration on 12 March 2007, and not as it appeared in the publication of the international application. Shiba KENJIRO has stated that his name was incorrectly spelled in the international application because his name could be read in both manners but the correct pronunciation is "KENJIRO, Shiba," as filed in the executed declaration, which has been corrected.

Accordingly, the correct spelling of the name, Shiba KENJIRO, now appears in the declaration as filed on 12 March 2007 to the USPTO.

DECISION

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED** that the correct spelling of the fourth joint inventor is Shiba KENJIRO. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is 12 March 2007.

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14 APR 2008

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In re Application of	:	DECISION ON
Howard Simons	:	
PCT No.: PCT/GB2005/003495	:	
Application No.: 11/662,511	:	PETITION UNDER
Int. Filing Date: 9 September 2005	:	
Priority Date: 9 September 2004	:	
Attorney's Docket No.: MWK.P0001	:	37 CFR 1.47(b)
For: INTEGRATED PROCESS PLANT...	:	
TREATMENT SYSTEM	:	

This decision is in response to applicant's "PETITION BY ENTITY HAVING PROPRIETARY INTEREST TO FILE APPLICATION ON BEHALF OF INVENTOR WHO REFUSES TO SIGN PURSAUNT TO 37 CFR 1.47(b)" submitted on 03 March 2008 that seeks the acceptance of the application without the signature of the inventor Howard Simons. Petitioner has submitted the requisite $200 petition fee.

BACKGROUND

On 9 September 2005, applicant filed international application PCT/GB2005/003495, which claimed priority to an earlier application filed on 9 September 2004.

On 9 March 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia,: the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration or oath was submitted at such time.

On 04 September 2007, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 indicating that "the oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68." The Notice stated that the declaration must be submitted within two months from the date of this notice or 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

In an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), applicant filed on 3 March 2008 the petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Applicant has satisfied items (1), and (3), and but not items (2) and (4) - (6) thus not completing the requirements under 37 CFR 1.47(b).

Applicant has satisfied item (1) since the petition fee has been provided by petitioner.

Regarding item (2), the statements by Mr. Townsend states that he mailed the documents to Mr. Simon on 10 October 2005, and that he telephoned Mr. Simon on 22 October 2007 and he refused to sign the Declaraton or the Assignment on the grounds because he and M.W. Kellogg Limited did not part on good terms. However, it has not been sufficiently demonstrated that a copy of the application papers were presented to the nonsigning inventor. It is unclear what documents were forwarded to Mr. Simon because he only refers to the declaration and the assignment and there is no statement referring to a copy of the application papers (specification, including claims, drawings, and oath or declaration) as required under MPEP. 409.03(d)being sent to Mr. Simon.

Regarding item (3), applicant has stated the last known address of the inventor:

Howard Simons
9 The Avenue
Bedford Park, Chiswick
London W4 1HA, United Kingdom

Regarding item (4) a declaration has not been provided executed by an appropriate officer of company on behalf of the non-signing sole inventor, Mr. Simon.

Regarding item (6) applicant has not presented an adequate showing that the granting of this petition is necessary to preserve the rights of the parties or to prevent irreparable damage.

Regarding item (5) applicant has not submitted proof that applicant has sufficient proprietary interest in the application. Mr. Townsend's statement is not sufficient without corroborating evidence since there is no copy of the assignment (signed assignment by inventor Mr. Simon) provided with this petition. Although, an employment agreement appears to have been provided dated 31 October 2005 signed by Howard Simons, it is unclear where in the agreement Mr. Simon agreed to assign the invention.

If the application has been assigned, a copy of the assignment must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant prior to the date the application is deposited in the Patent and Trademark Office.

When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by affidavit or declaration that those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by the affidavit or declaration of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.

A proprietary interest obtained otherwise than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record. Note MPEP 409.03(f)

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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27 AUG 2008

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In re Application of	:	DECISION ON
Howard Simons	:	
Application No.: 11/662,511	:	
PCT No.: PCT/GB2005/003495	:	
Int. Filing Date: 9 September 2005	:	PETITION UNDER
Priority Date: 9 September 2004	:	
Attorney's Docket No.: MWK.P0001	:	
For: INTEGRATED PROCESS PLANT...	:	
TREATMENT SYSTEM	:	37 CFR 1.47(b)

This decision is in response to applicant's "RENEWED PETITION UNDER 37 CFR 1.47(b)" filed on 16 June 2008 that seeks the acceptance of the application without the signature of the inventor Howard Simons.

BACKGROUND

In a decision from this Office on 14 April 2008, the petition filed under 37 CFR 1.47(b) on 03 March 2008 was dismissed. The decision indicated that items (2), (4) - (6) were not met.

On 16 June 2008, applicant submitted a "Renewed Petition Pursuant 37 CFR 1.47(b)" requesting reconsideration of the decision of 14 April 2008. The renewed petition includes, inter alia, a signed declaration of Mr. Derek Townsend, an executed declaration by Mr. Derek Townsend, and a legal opinion by Michael John Jennings (an attorney at A.A. Thornton & Co.,)

DISCUSSION

Petitioner has now satisfied items (2), (5)-(6) of 37 CFR 1.47(b) but not item (4).

Regarding item (2), Mr. Townsend's letter of May 22, 2008 shows that the application papers were mailed to Mr. Simons for his signature and he has not signed them.

Regarding item (5), petitioner has submitted proof that applicant has sufficient proprietary interest in the application because the legal memorandum prepared by Mr. Jennings establishes that Mr. Simons' employment relationship with M.W. Kellogg Limited and under the provisions of employment the agreement to assign IP rights to M.W. Kellog limited.

Regarding item (6) petitioner has presented an adequate showing that the granting of this petition is necessary to preserve the rights of the parties or to prevent irreparable damage.

Regarding item (4) a declaration has been provided which is executed by Mr. Derek William Townsend, Manager- Process Technology, signing on behalf of the corporation for the non-signing sole inventor, Mr. Simon. The declaration, however, only sets forth Mr. Townsend as manager, that implies narrowly limited duties, which it is unclear if he is an appropriate corporate officer to sign on behalf of the corporation. Note MPEP 1820.

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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21 JAN 2009

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In re Application of	:	DECISION ON SECOND
Howard Simons	:	
Application No.: 11/662,511	:	
PCT No.: PCT/GB2005/003495	:	
Int. Filing Date: 9 September 2005	:	PETITION UNDER
Priority Date: 9 September 2004	:	
Attorney's Docket No.: MWK.P0001	:	
For: INTEGRATED PROCESS PLANT...	:	
TREATMENT SYSTEM	:	37 CFR 1.47(b)

This decision is in response to applicant's "SECOND RENEWED PETITION UNDER 37 CFR 1.47(b)" filed on 17 October 2008 that seeks the acceptance of the application without the signature of the inventor Howard Simons.

BACKGROUND

In a decision from this Office on 27 August 2008, the petition filed under 37 CFR 1.47(b) on 16 June 2008 was dismissed. The decision indicated that item (4) was not met.

On 17 October 2008, applicant submitted a "Second Renewed Petition Pursuant 37 CFR 1.47(b)" requesting reconsideration in view of the supplemental Declaration submitted.

DISCUSSION

Petitioner has still not satisfied requirement (4) of 37 CFR 1.47(b), thus not completing the items under 37 CFR 1.47(b).

Regarding item (4) a declaration has been provided which is executed by Stewart Watson, Managing Director, signing on behalf of the corporation for the non-signing sole inventor, Mr. Simons. The declaration filed on 17 October 2008 is defective since it does not comply with 37 CFR 1.497(a)(3). A Declaration, under 37 CFR 1.497(a)(3), must identify each inventor, and in this instance the nonsigning inventor Howard Simons is not listed as an inventor and his citizenship, and his residence is also not listed in the declaration. See MPEP § 602.

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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In re Application of	DECISION ON SECOND
Howard Simons	
Application No.: 11/662,511	
PCT No.: PCT/GB2005/003495	
Int. Filing Date: 9 September 2005	PETITION UNDER
Priority Date: 9 September 2004	
Attorney's Docket No.: MWK.P0001	
For: INTEGRATED PROCESS PLANT...	
TREATMENT SYSTEM	37 CFR 1.47(b)

This decision is in response to applicant's "THRID RENEWED PETITION UNDER 37 CFR 1.47(b)" filed on 23 March 2009 that seeks the acceptance of the application without the signature of the sole-inventor Howard Simons.

BACKGROUND

In a decision from this Office on 21 January 2009, the petition filed under 37 CFR 1.47(b) on 17 October 2008 was dismissed. The decision indicated that item (4) was not met since it does not comply with 37 CFR 1.497(a)(3).

On 23 March 2009, applicant submitted a "Third Renewed Petition Pursuant 37 CFR 1.47(b)" requesting reconsideration in view of the supplemental Declaration submitted.

DISCUSSION

Petitioner has now satisfied item (4) of 37 CFR 1.47(b), thus completing the items under 37 CFR 1.47(b).

Regarding item (4) a declaration has been provided which is executed by Mr. Stewart Watson signing on behalf of the non-signing sole inventor, Mr. Howard Simons. The declaration sets forth Mr. Watson's relationship to the non-signing inventor and lists the required information for Mr. Simon.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) to continue national stage processing of the application. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **23 March 2009.**

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2 2 MAY 2009

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London W4 1HA, United Kingdom

In re Application of
Howard Simons
Application No.: 11/662,511
PCT No.: PCT/GB2005/003495
Int. Filing Date: 9 September 2005
Priority Date: 9 September 2004
Attorney's Docket No.: MWK.P0001
For: INTEGRATED PROCESS PLANT...
TREATMENT SYSTEM

Dear Mr. Simons:

Your husband is named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, he will be designated as an inventor.

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

RENNER KENNER GREIVE BOBAK TAYLOR & WEBER
FIRST NATIONAL TOWER FOURTH FLOOR
106 S. MAIN STREET
AKRON OH 44308

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Commissioner for Patents
United States Patent and Trademark Office
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

COPY MAILED

DEC 28 2007

OFFICE OF PETITIONS

In re Application of	:	
Oliver Glock	:	
Application No. 11/662581	:	ON PETITION
Filing or 371(c) Date: 03/09/2007	:	
Attorney Docket Number: 10191/4573	:	

This Decision is in response to the "Petition to Correct Filing Date Under 37 CFR § 1.10(c)," filed November 15, 2007, requesting the application be accorded a filing date of March 9, 2007.

This Petition is hereby **granted**.

Petitioner alleges that the application was deposited in Express Mail service on March 9, 2007. In support of this assertion, the petition is accompanied by a copy of Express Mail label No. EV885414047US. A review of the Express Mail label, No. EV885414047US, reveals that the "Date In" indicated on the Express Mail label is March 8, 2007. However, the Express Mail Label contains a stamp of the United States Post Office ("USPS") dated March 9, 2007. The same Express Mail label number was placed on the original application papers located in the official file.

In view of the above, the petition is granted. No fee has been charged and none is due.

The application is being referred to the Office of Patent Application processing for correction of the filing date to March 9, 2007, and for the mailing of a Corrected Filing Receipt.

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

Derek L. Woods
Attorney
Office of Petitions

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DEC 28 2007

OFFICE OF PETITIONS

In re Application of	:	
Bernd Kesch	:	
Application No. 11/662583	:	ON PETITION
Application Received: 03/08/2007	:	
Attorney Docket Number: 10191/4671	:	

This Decision is in response to the "Petition to Correct Filing Date Under 37 CFR § 1.10(c)," filed November 15, 2007, requesting the application be accorded a filing date of March 9, 2007.

The petition is **dismissed**.

Petitioner alleges that the application was deposited in Express Mail service on March 9, 2007. In support of this assertion, Applicant alleges in the petition that a copy of Express Mail Label No. EV 885 414 055 US; however, a review of the petition papers filed on November 15, 2007, reveal that no copy of the Express Mail label was included.

The applicable rule, 37 CFR § 1.10, Filing of correspondence by "Express Mail", provides that

> (1) 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.
> (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).
> (b) Correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked. Persons dealing indirectly with the employees of the USPS (such as by deposit in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. The paper(s) or fee(s) that constitute the correspondence should also include the "Express Mail" mailing label number thereon. See paragraphs (c), (d) and (e) of this section.
> (c) 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 petition is dismissed without prejudice. Applicant should file a request for reconsideration of petition and include a true copy of the Express Mail mailing label.

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

By mail: Commissioner 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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NEW YORK NY 10004

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MAR 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Bernd Kesch	:	
Application No. 11/662583	:	ON PETITION
Application Received: 03/08/2007	:	
Attorney Docket Number: 10191/4671	:	

This Decision is in response to the Renewed Petition to Correct Filing Date Under 37 C.F.R. § 1.10(c), filed January 22, 2008, requesting the application be accorded a filing date of March 9, 2007.

The petition is **granted**.

Petitioner alleges that the application was deposited in Express Mail service on March 9, 2007. In support of this assertion, petition files a copy of Express Mail label No. EV885414055US, reveals that the "Date In" indicated on the Express Mail label is illegible. However, the Express Mail Label contains a stamp of the United States Post Office ("USPS") dated March 9, 2007. The same Express Mail label number was placed on the original application papers located in the official file.

In view of the above, the petition is granted. No petition fee has been charged and none is due.

The application is being referred to the Office of Patent Application Processing for correction of the filing date to March 9, 2007, and for the mailing of a Corrected Filing Receipt.

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

Derek L. Woods
Attorney
Office of Petitions

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DLA PIPER LLP US
P.O. BOX 2758
RESTON VA 20195

MAILED

MAY 18 2010

OFFICE OF PETITIONS

In re Application of	:	
Mark Byron SCHINDLER, et al	:	
Application No. 11/662,588	:	DECISION ON PETITION
Filed: February 10, 2009	:	TO WITHDRAW
Attorney Docket No. 361888-000005	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 10, 2010.

The request is **APPROVED**.

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

The request was signed by Dale S. Lazar on behalf of the attorneys of record associated with Customer No. 47604.

The attorneys of record associated with Customer No. 47604 have been withdrawn.

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

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

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

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

cc: VISUAL I/O
P.O. BOX 400833
CAMBRIDGE MA 02140

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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
11/662,588	02/10/2009	Mark Byron Schindler	361888-000005

CONFIRMATION NO. 8633

POWER OF ATTORNEY NOTICE

47604
DLA PIPER LLP US
P. O. BOX 2758
RESTON, VA 20195

OC000000041600679

Date Mailed: 05/13/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/10/2010.

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

/dcgoodwyn/

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

27 MAY 2008

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34610
KED & ASSOCIATES LLP
P.O. Box 221200
Chantilly, VA 20153-1200

In re Application of :
JANG *et al* :
Application No.: 11/662,605 :
PCT No.: PCT/KR2004/002348 :
Int. Filing Date: 15 September 2004 :
Priority Date: None : **DECISION**
Attorney Docket No.: WIP-0003 :
For: CIRCUIT AND METHOD FOR DRIVING :
ORGANIC LIGHT EMITTING DIODE :

This decision is in response to applicants' "Petition to Accept Declaration Under 35 U.S.C. § 371 as Originally Filed" filed on 04 February 2008. This is treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 13 March 2007, applicants filed papers to enter the national stage of PCT/KR2004/002348 which was accompanied by, *inter alia*, a declaration signed by two joint inventors.

On 24 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the declaration filed 13 March 2007 was not in compliance with 37 CFR 1.497(a) and (b) as the international application has only one inventor.

On 04 February 2008, applicants filed the subject petition.

DISCUSSION

Applicants request that the declaration originally filed 13 March 2007 listing two inventors be accepted. Applicants argue that the international application does list two inventors for the subject application.

A review of the international publication ("WO/2006/030994") verifies that two inventors, Jin JANG and Joon-Chul GOH, are recorded as applicants and inventors for the international application, PCT/KR2004/002348.

As such, the declaration filed 13 March 2007 correctly records both inventors and is in compliance with 37 CFR 1.497(a) and (b).

DECISION

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 24 January 2008 is hereby **VACATED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 15 September 2004, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 13 March 2007.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

PTO/SB/130 (03-08)
Approved for use through 03/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	11662620	Confirmation Number	8450	Filing Date	2007-03-12
Attorney Docket Number (optional)	JFC08305PCTUS	Art Unit		Examiner	
First Named Inventor	John M. Carraher				
Title of Invention	Rebar Junction Clip and Method for Securing Rebar Thereby				

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
John	M.	Carraher	

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	/John D. Russell/	Date (YYYY-MM-DD)	2008-03-21
Name	John D. Russell	Registration Number	47048

PTO/SB/130 (03-08)
Approved for use through 03/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

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In re Application of
John M. Carraher

Application No. 11662620

Filed: March 12,2007

Attorney Docket No. 103418-0024

: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 21-MAR-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 inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

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19 AUG 2008

Nixon Peabody LLP
401 9th Street N.W.
Suite
Washington DC 20004-2128

In re Application of	:	
TAKAHASHI et al.	:	
Application No.: 11/662,633	:	
PCT No.: PCT/JP05/17217	:	DECISION ON
Int. Filing Date: 13 September 2005	:	
Priority Date: 14 September 2004	:	PETITION UNDER
Attorney Docket No.:740709-572	:	
For: N-SUBSTITUTED N-(PIPERIDINYL)	:	37 CFR 1.497(d) and 1.42
AMIDE DERIVATIVE	:	

This is a decision on applicant's "Request to Accept Declaration under 37 CFR 1.497(d)" filed in the United States Patent and Trademark Office (USPTO) on 14 April 2008 in the above referenced application. Applicant's request for a two month extension of time is granted. This decision is also responsive to applicant's status inquiry filed on 18 July 2008.

BACKGROUND

On 17 December 2007, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, were required. Specifically, change in inventorship was questioned.

On 14 April 2008, applicant filed the instant petition, with an executed declaration which is considered a reply to the Notification of Missing Requirements. A two-month extension of time is required; the fees for the extension were charged to applicant's deposit account and the extension of time is granted. Petitioner requests acceptance of the declaration under 37 CFR 1.497(d) by the removal of inventor Masatoshi Ushioda, addition of inventor Katsutoshi Shiota and acceptance of the declaration under 37 CFR 1.42.

DISCUSSION

Petition under 37 CFR 1.497(d)

As set forth in MPEP §1893.01(e), the inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.

Where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error. A new oath or declaration is not required to correct such error. See MPEP §201.03 and §605.04(g).

Here, inventor Masatoshi Ushioda states that his name was incorrectly identified in the above referenced application. He indicates that Katsutoshi Shiota is a misspelling of his correct name Masatoshi Ushioda and that Katsutoshi Shiota and Masatoshi Ushioda are the same person. The discrepancy between the name of the inventor as indicated in the international application and the name of the inventor as it appears on the declaration is the result of a transliteration error. Applicant's explanation is accepted and noted for the record.

Petition under 37 CFR 1.42

Petitioner also requests acceptance of the declaration under 37 CFR §1.42.

37 CFR §1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative. The declaration must also state the citizenship, residency and last mailing address of the deceased inventor to comply with 37 CFR 1.497(a)(3).

The declaration identifies Takako Hirate as the sole heir of deceased inventor Kenji Hirate. However, the declaration is defective because the declaration does not state the country of citizenship, former residency and mailing address for *both* the deceased inventor and the sole heir, to meet the requirements for compliance with 37 CFR 1.497(a) and (b).

Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **DISMISSED WITHOUT PREJUDICE.**

Applicant is required to correct the above-noted defects including the furnishing of a oath/declaration in compliance with 37 CFR 1.42 and 1.497 within TWO (2) MONTHS from the mail date of this Decision.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

29 JAN 2008

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COMMISSIONER FOR PATENTS
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900-55 METCALFE STREET
OTTAWA, CANADA K1P5Y-6

In re Application of DEBONNEL et al	:	
U.S. Application No.: 11/662,648	:	
PCT Application No.: PCT/CA2005/001401	:	
Int. Filing Date: 14 September 2005	:	DECISION
Priority Date Claimed: 14 September 2004	:	
Attorney Docket No.: 78610-21/jas	:	
For: STIMULATORS OF 5-HT4 RECEPTORS	:	
AND USES THEREOF	:	

This is in response to declaration filed 12 July 2007, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 14 September 2005, applicant filed international application PCT/CA2005/001401, which claimed priority of an earlier United States application filed 14 September 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 23 March 2006. The thirty-month period for paying the basic national fee in the United States expired on 14 March 2007.

On 13 March 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 21 May 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 12 July 2007, applicant filed the present request for status under 37 CFR 1.42.

DISCUSSION

The declaration states that inventor Guy Debonnel is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 12 July 2007 fails to state one of the citizenship of the deceased inventor as required by 37 CFR 1.497(a)(3) and the citizenship of the legal representative as required by 37 CFR 1.497(b)(2). Applicant is advised that a singular indication of the citizenship in the declaration cannot be used for both purposes.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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2 3 APR 2008

SMART & BIGGAR
P.O. BOX 2999, STATION D
900-55 METCALFE STREET
OTTAWA, CANADA K1P5Y-6

In re Application of DEBONNEL et al	:	
U.S. Application No.: 11/662,648	:	
PCT Application No.: PCT/CA2005/001401	:	
Int. Filing Date: 14 September 2005	:	DECISION
Priority Date Claimed: 14 September 2004	:	
Attorney Docket No.: 78610-21/jas	:	
For: STIMULATORS OF 5-HT4 RECEPTORS	:	
AND USES THEREOF	:	

This is in response to declaration filed 11 March 2008, which is being treated as a renewed request for status under 37 CFR 1.42.

BACKGROUND

On 14 September 2005, applicant filed international application PCT/CA2005/001401, which claimed priority of an earlier United States application filed 14 September 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 23 March 2006. The thirty-month period for paying the basic national fee in the United States expired on 14 March 2007.

On 13 March 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 21 May 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 12 July 2007, applicant a request for status under 37 CFR 1.42.

On 29 January 2008, this Office mailed a decision dismissing the 12 July 2007 request for status.

On 11 March 2008, applicant filed the present renewed request for status under 37 CFR 1.42.

DISCUSSION

The declaration states that inventor Guy Debonnel is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 11 March 2008 is improper. Specifically, the declaration filed 12 July 2007 has been altered after execution. A declaration cannot be amended, altered, or changed in any manner after it has been signed. MPEP 602.01. A newly executed oath or declaration is required.

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

0 2 DEC 2008

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SMART & BIGGAR
P.O. BOX 2999, STATION D
900-55 METCALFE STREET
OTTAWA, CANADA K1P5Y-6

In re Application of DEBONNEL et al	:	
U.S. Application No.: 11/662,648	:	
PCT Application No.: PCT/CA2005/001401	:	
Int. Filing Date: 14 September 2005	:	DECISION
Priority Date Claimed: 14 September 2004	:	
Attorney Docket No.: 78610-21/jas	:	
For: STIMULATORS OF 5-HT4 RECEPTORS	:	
AND USES THEREOF	:	

This is in response to declaration filed 20 June 2008, which is being treated as a renewed request for status under 37 CFR 1.42.

BACKGROUND

On 14 September 2005, applicant filed international application PCT/CA2005/001401, which claimed priority of an earlier United States application filed 14 September 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 23 March 2006. The thirty-month period for paying the basic national fee in the United States expired on 14 March 2007.

On 13 March 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 21 May 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 12 July 2007, applicant filed a request for status under 37 CFR 1.42.

On 23 April 2008, this Office mailed a decision dismissing the 12 July 2007 request for status.

On 20 June 2008, applicant filed the present renewed request for status under 37 CFR 1.42.

DISCUSSION

The declaration states that inventor Guy Debonnel is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 20 June 2008 is in compliance with 37 CFR 1.42 and 37 CFR 1.497(b)(2).

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 14 September 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 20 June 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

1 6 SEP 2008

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Cooper & Dunham, LLP
1185 Avenue of the Americas
New York, NY 10036

In re Application of :
KATO et al. :
Application No.: 11/662,682 : DECISION ON PETITION
PCT No.: PCT/JP05/17224 : UNDER 37 CFR 1.182
Int. Filing Date: 13 September 2005 :
Priority Date: 13 September 2004 :
Attorney Docket No.:2271/77605 :
For: OPTICAL RECORDING MEDIUM, RECORDING METHOD THEREOF AND EVALUATION METHOD OF OPTICAL RECORDING MEDIUM

This decision is issued in response to applicants' "Response to April 18, 2008 Notification of Defective Response" dated 16 May 2008 which is being treated as a petition to change an inventor's name under 37 CFR 1.182. Applicants are requesting to change the name of the fifth inventor from Mikiko ABE to Mikiko TAKADA. The $400 petition fee will be charged to counsel's Deposit Account No. 03-3152.

BACKGROUND

On 12 March 2007, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; a translation of the international application; a preliminary amendment; and an Information Disclosure Statement.

On 30 August 2007, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 09 October 2007, applicants submitted an executed declaration.

On 18 April 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was defective because the fifth inventor was not identified by the name listed on the international application.

On 16 May 2008, applicants filed "Response to April 18, 2008 Notification of Defective Response."

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicants request to change the name of the fifth inventor from Mikiko ABE to Mikiko TAKADA. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the fifth inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a copy of the court order."

Here, applicants' submission included the authorization to charge Deposit Account No. 03-3152 for required fees. Based on this authorization, Deposit Account No. 03-3152 will be charged the requisite petition fee of $400, satisfying the petition fee requirement. As for the affidavit requirement, applicants have submitted an affidavit regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Mikiko TAKADA as a result of marriage.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Mikiko ABE to Mikiko TAKADA is <u>GRANTED</u>.

Based on the above, the declaration filed 09 October 2007 is in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. of the letter marked to the attention of the Office of PCT Legal Administration.

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

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HOWARD & HOWARD ATTORNEYS PLLC
450 WEST FOURTH STREET
ROYAL OAK MI 48067

COPY MAILED
MAR 0 9 2010

In re Application of	:	
Richard Fawley	:	
Application No. 11/662,714	:	NOTICE
Filed: October 16, 2007	:	
Attorney Docket No. **065569.00001**	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **NOT ACCEPTED**.

The fee deficiency cannot be accepted because no itemization has been submitted, as required by 37 CFR 1.28(C) (ii) which states:

(2) Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Inquiries related to this communication should be directed to Tredelle Jackson at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : July 29, 2010

TO SPE OF : ART UNIT 2831
SUBJECT : Request for Certificate of Correction for Appl. No.: 11662714
Patent No.: 7750619

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: F.H 7/29/2010

/Diego Gutierrez/ 2831

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
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/662,723	09/12/2007	Bernd Meyer	30882/DP049	3763

4743 7590 03/03/2009
MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO, IL 60606-6357

EXAMINER

ART UNIT	PAPER NUMBER
3628	

MAIL DATE	DELIVERY MODE
03/03/2009	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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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO IL 60606-6357

Applicant: Meyer et al.
Appl. No.: 11/662,723
Filing Date: September 12, 2007
Title: METHOD AND DEVICE FOR FRANKING MAIL
Attorney Docket No.: 30882/DP049
Pub. No.: US 2009/0012915 A1
Pub. Date: January 8, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on February 26, 2009, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. In addition, the applicant did not provide a copy of the application papers with his submission. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, **as a Pre-Grant publication submission.** The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

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

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

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Adjustment date: 03/04/2009  KKING1
02/27/2009 INTEFSW  00003885 11662723
01 FC:1504                    -300.00 OP


Refund Ref:
03/04/2009          0030067305
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Credit Card Refund Total:      $300.00

Am Exp..: XXXXXXXXXXX1018
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Paper No.

LEONG C LEI
PMB # 1008
1867 YGNACIO VALLEY ROAD
WALNUT CREEK CA 94598

MAILED
JUN 02 2010
OFFICE OF PETITIONS

In re Application of	:	
Huang	:	
Application No. 11/662,778	:	DECISION ON PETITION
Filed: March 14, 2007	:	PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.137(B)
CFPA6841-15049	:	
Title: PARKING DEVICE	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed March 18, 2010, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The concurrently submitted revocation of power of attorney, appointment of power of attorney, and change of correspondence address have been entered and made of record.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed June 22, 2009, 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 September 23, 2009. A notice of abandonment was mailed on December 24, 2009.

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

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 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 an amendment, the petition fee, and the proper statement of unintentional delay.

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.[1]

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on March 18, 2010 can be processed in due course.

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 Technology Center 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 Technology Center 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.[2] All other inquiries

---

1 See Rule 1.137(d).

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

concerning this application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/662,778	03/14/2007	Kuo-Shuen Huang	HUAN3490/REF

CONFIRMATION NO. 9956

POWER OF ATTORNEY NOTICE

23364
BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

OC000000041879638

Date Mailed: 06/01/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/18/2010.

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

/pashanoski/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/662,778	03/14/2007	Kuo-Shuen Huang	HUAN3490/REF

CONFIRMATION NO. 9956

POA ACCEPTANCE LETTER

52981
LEONG C LEI
PMB # 1008
1867 YGNACIO VALLEY ROAD
WALNUT CREEK, CA 94598

OC000000041879639

Date Mailed: 06/01/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/18/2010.

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.

/pashanoski/

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

1 9 FEB 2008

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MCCARTER & ENGLISH LLP
CITYPLACE I
185 ASYLUM STREET
HARTFORD, CT 06103

In re Application of	:	
LEITE, Lorraine et al.	:	
Application No.: 11/662,820	:	DECISION
PCT No.: PCT/US2005/024067	:	
Int. Filing Date: 07 July 2005	:	ON PETITION UNDER
Priority Date: 07 July 2004	:	
Docket No.: 99342.00060 PCT	:	37 CFR 1.137(b)
For: PROCESS FOR THE PREPARATION OF	:	
CALCIUM PHOSPHATE GRANULES OF	:	
THE HYDROXYAPATITE TYPE	:	

Applicant's Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 14 March 2007 is **GRANTED**.

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

A signed oath or declaration has not yet been submitted. The fee for late filing of the search fee, examination fee or oath or declaration will be charged to deposit account no. 50-3569, as authorized.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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

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BATTELLE MEMORIAL INSTITUTE
505 KING AVENUE
COLUMBUS OH 43201-2693

COPY MAILED

DEC 0 4 2009

OFFICE OF PETITIONS

In re Application of	:	
Ada S. Cowan, et al.	:	
Application No. 11/662,833	:	NOTICE
Filed: February 7, 2008	:	
Attorney Docket No. 14230US	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application 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 Terri Johnson at (571) 272-2991.

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE

2 7 MAY 2008

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

Lowenstein Sandler PC
65 Livingston Avenue
Roseland, New Jersey 07068

In re Application of	:	
SARTOR et al	:	DECISION ON
Application No.: 11/662,841	:	
PCT No.: PCT/US2006/006062	:	
Int. Filing Date: 21 February 2006	:	PETITION UNDER
Priority Date: 18 February 2005	:	
Attorney Docket No.: 18703-1701	:	
For: METHOD AND APPARATUS FOR...	:	
BROADBAND DATA	:	37 CFR 1.181

This decision is in response to applicant's "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE" filed on 24 January 2008 with the correct name of the seventh inventor as Daniel Clement WILLIAMS. This is being treated as a petition under 37 CFR 1.181.

BACKGROUND

On 21 February 2006, applicants filed international application No. PCT/US2006/006062, which claims a priority date of 18 February 2005.

On 14 March 2007, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. No executed declaration was filed on such date.

On 23 July 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

On 20 December 2007, applicants filed an executed declaration in "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371." In the declaration section pertaining to the seventh named inventor, the name Daniel Clement WILLIAMS appears; this name did not appeared in the international application which is Daniel Clemens WILLIAMS.

On 14 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916).

On 24 January 2008, applicants filed a "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE" stating that the ADS identified the changes in the information set forth in the Declaration filed on December 20, 2007.

DISCUSSION

It is unclear from the submission whether the corrected name is due to a name change or a typographical error since applicant has provided no explanation. Therefore, the declaration of the inventor is not acceptable at this time, in that the name of the named inventor, Daniel Clement WILLIAMS, does not correspond to that set forth in the international application, Daniel Clemens WILLIAMS.

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

Applicant must provide items (1) and (2) for consideration. Alternatively, applicants may provide a showing that the name change was effected in accordance with PCT Rule 92Bis prior to the filing of the present national stage application.

Also, in the case where there is no change name of the individual but an incorrect name was given, a petition under **37 CFR 1.182** should be filed requesting correction of applicant's name

If, however, the name change is due to a typographical error then applicant needs to state and explain it by filing a petition under 37 CFR 1.181. If filed under 37 CFR 1.181 the reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

Applicants have provided a defective declaration because there are alterations on it - lines across the information on it. Any alternation made after the signing of an oath or declaration must be supported by a supplemental oath or declaration under §1.67 or must be initialized by said inventor and dated. Note 37 CFR §1.52.

For the reasons above, the application may not enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR 1.181 is **DISMISSED**, without prejudice.

A proper response to the Notice must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459

UNITED STATES PATENT and TRADEMARK OFFICE

15 SEP 2008

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Lowenstein Sandler PC
65 Livingston Avenue
Roseland, New Jersey 07068

In re Application of	:	
SARTOR et al	:	DECISION ON
Application No.: 11/662,841	:	
PCT No.: PCT/US2006/006062	:	
Int. Filing Date: 21 February 2006	:	PETITION UNDER
Priority Date: 18 February 2005	:	
Attorney Docket No.: 18703-1701	:	
For: METHOD AND APPARATUS FOR...	:	
BROADBAND DATA	:	37 CFR 1.181

This decision is in response to applicant's "RENEWED PETITION UNDER 37 CFR 1.181" filed on 25 July 2008 stating that the correct name of the seventh inventor as Daniel Clement WILLIAMS.

BACKGROUND

In a decision from this Office on 27 May 2008, the decision indicated that the application could not enter into national stage at that time since it was unclear if the current name was a result of a name change or typographical error.

On 25 July 2008, applicants submitted this renewed petition states that the correct name is Daniel Clement WILLIAMS.

DISCUSSION

The correct name of the seventh inventor is "Daniel Clement WILLIAMS" as indicated in the corrected declaration submitted, and not as it appeared in the international publication "Daniel Clemens WILLIAMS." Applicants indicate that the mistake was merely a typographical error. As such, the correct name will be reflected in the U.S. national stage processing.

The executed declaration filed on 25 July 2008 has the correct information on it with respect to the fifth joint inventor and seventh joint inventor.

Applicants' response is accepted as a sufficient response to the Notification of Missing Requirements (FORM PCT/DO/EO/905) mailed on 23 July 2007.

CONCLUSION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **25 July 2008.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
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3 0 AUG 2007

Blakely, Sokoloff, Taylor & Zafman LLP
12400 Wilshire Boulevard 7th Floor
Los Angeles California 90025

In re Application of ROEDIGER et al. Application No.: 11/662,852 PCT No.: PCT/EP04/451892 Int. Filing Date: 24 August 2004 Priority Date: None Attorney Docket No.: 6741P118 For: WEB CONSOLE WITH XML/XSL INTERFACE	:	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 13 March 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
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LAW OFFICES OF JAMES E. WALTON, PLLC
1169 N. BURLESON BLVD.
SUITE 107-328
BURLESON, TX 76028

Mail Date: 04/21/2010

Applicant	: Gary S. Froman	: DECISION ON REQUEST FOR
Patent Number	: 7604202	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/662,859	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **111** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

MAILED

MAR 03 2010

OFFICE OF PETITIONS

In Re application of
Patrick Meunier et al.
Application No. 11/662,865
Filed: March 13, 2007
Attorney Docket No. 208,143

ON PETITION

This is a decision on the petition under 37 CFR 1.182 to Withdraw an Erroneously Filed Response and Accompanying Documents filed December 7, 2009, which is being treated as a petition under 37 CFR 1.59(b), to expunge information from the above identified application.

The petition is **granted**.

Petitioner requests that document filed November 25, 2009 with an application identified as Application No. 11/482,685 be expunged from the record. Petitioner states the document was erroneously filed in the wrong case and does not pertain to the above identified patent application. The petition fee set forth in 37 CFR 1.17(g), currently $200, has been charged to petitioner's deposit account.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. The information was clearly intended to be filed in an unrelated application.

The expunged material has been removed from the official file.

The application is being returned to Technology Center Art Unit 3731.

Telephone inquiries relative to this decision should be directed to Carl Friedman at (571) 272-6842

David Bucel
Petitions Examiner
Office of Petitions

2 9 SEP 2008

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

In re Application of :
Van Der Zel :
Application No.: 11/662,866 :
PCT No.: PCT/NL2004/000635 :
Int. Filing Date: 14 September 2004 : DECISION
Eff. Priority Date: 14 September 2004 :
Attorney Docket No.: 0470-071233 :
For: Method Of Manufacturing And Installing A Ceramic :
Dental Implant With An Aesthetic Implant Abutment :

This is with regard to the "Petition To Revive Under 37 C.F.R. § 1.181" filed on 24 September 2008.

BACKGROUND

This international application was filed on 14 September 2004, designated the United States, and claimed no earlier priority date. The International Bureau transmitted a copy of the published international application to the USPTO on 23 March 2006. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 14 March 2007. Applicant timely filed *inter alia* the basic national fee on 14 March 2007.

On 24 July 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to counsel, requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b).

On 28 August 2008, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicant, indicating that this application had become abandoned with respect to the national stage in the United States for failure to timely reply to the Notification of Missing Requirements mailed on 24 July 2007.

DISCUSSION

Petitioner requests withdrawal of the holding of abandonment, on the basis that "a response to the Notification of Missing Requirements was timely filed on August 24, 2007... Copies of all the papers filed in response to the Notification, as filed on August 24, 2007, are attached, which copies include a copy of the postcard receipt dated August 24, 2007." Inspection of said copy of the return postcard receipt reveals that it is date stamped as "Rec'd PCT/PTO 24 AUG 2007," and that it specifically itemizes a "Letter Re Completion Of Filing Requirements For International Application Entering U.S. National Stage In U.S. Elected Office (EO/US) Under 35 USC 371," an "executed Declaration and Power of Attorney" and a "copy of Notification." MPEP 503 explains in part that "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." In view of this policy, it would be appropriate to regard the copies of the "Letter Re Completion..." and the declaration which accompanied the petition as copies of the respective documents originally filed on 24 August 2007 and itemized on the stamped postcard receipt. As such, the Notification

of Abandonment was issued in error, and it is hereby **VACATED**. The holding of abandonment is **WITHDRAWN**.

DECISION

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

This application is being forwarded to the Office of Patent Application Processing for further processing. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **24 August 2007**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

Mail Date: 04/21/2010

Applicant	: Graham Butler	: DECISION ON REQUEST FOR
Patent Number	: 7589539	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/662,895	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **170** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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11 DEC 2007

23650
NOVO NORDISK, INC.
Patent Department
100 College Road West
Princeton, NJ 08540

In re Application of: AHM *et al* U.S. Application No.: 11/662,905 PCT No.: PCT/EP2005/05478 Int. Filing Date: 22 September 2005 Priority Date: 22 September 2004 Attorney Docket No.: 7260.504-US For: MEDICAL DEVICE WITH CANNULA INSERTER	**DECISION**

This decision is in response to applicants' petition to revive under 37 CFR 1.137(b) filed on 24 October 2007 which is hereby **GRANTED** as follows:

The basic national fee and petition fee have been charged to Deposit Account No. 14-1447 as authorized. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

All requirements of 37 CFR 1.137(b) are satisfied.

An oath/declaration was not provided.

This application is being forwarded to the Office of Patent Application Processing for the mailing of a Form PCT/DO/EO/905 requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $130.00 surcharge fee.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Takeshi Ishida	: DECISION ON REQUEST FOR
Patent Number	: 7619341	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/662,928	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **110** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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DICKINSON WRIGHT, PLLC
1875 EYE STREET, NW
SUITE 1200
WASHINGTON DC 20006

MAILED

JUN 3 0 2010

OFFICE OF PETITIONS

In re Application of	:	
Martin Schuschan	:	DECISION ON PETITION
Application No. 11/662,937	:	TO WITHDRAW
Filed: September 10, 2007	:	FROM RECORD
Attorney Docket No. 039090-85	:	

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 31, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Kevin R. Spivak on behalf of all attorneys of record who are associated with Customer No. 87133.

All attorneys/agents associated with Customer Number 87133 have been withdrawn. Applicant is 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 an outstanding Office action mailed February 2, 2010 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Nokia Siemens Networks GmbH & Co. KG
CTO RTP IPR/Patent Administration
Munich, Germany 80240

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Jochen Strahle	: DECISION ON REQUEST FOR
Patent Number	: 7643151	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/662,963	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/14/2008	: 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.

2 5 OCT 2007

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OPTICUS IP LAW, PLLC
7791 ALISTER MACKENZIE DRIVE
SARASOTA FL 34240

In re Application of	:	
JANKOVICH	:	
Application No.: 11/662,989	:	DECISION
PCT No.: PCT/US2005/032693	:	
Int. Filing Date: 14 September 2005	:	
Priority Date: 14 September 2004	:	
Attorney's Docket No.: 040-03US1	:	
For: QKD SYSTEM AMBIGUOUS REMOTE	:	
CONTROL	:	

This decision is in response to applicant's petition under 37 CFR 1.181 filed in the United States Patent and Trademark Office (USPTO) on 03 August 2007.

BACKGROUND

On 15 March 2007, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission included, *inter alia*, a Transmittal Letter and a declaration of inventors. The Transmittal Letter and the declaration indicate the international application number as PCT/US2005/032693. However, the inventor, title, and priority date listed on the Transmittal Letter and the declaration do not match the inventor, title, and priority date for international application number PCT/US2005/032693.

On 15 February 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the full U.S. Basic National Fee by thirty months from the priority date. The Notification indicated the fee was due by 14 March 2007 rather than 15 March 2007.

On 07 December 2006, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition under 37 CFR 1.181 urges that the priority date for international application PCT/US2005/032693 is 15 September 2004 and thus the U.S. Basic National Fee was paid timely. However, the priority date for international application PCT/US2005/032693 is 14 September 2004.

As noted above, however, the inventor, title, and priority date listed on the Transmittal

Letter and the declaration do not match the inventor, title, and priority date for international application number PCT/US2005/032693. Applicant is required to file a reply to this communication correcting the above-stated error. A proper reply would include a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(h), to correct the Transmittal Letter (The petition should set forth the specific circumstances as to how and when the error was made and should set forth that the mistake was an inadvertent error without deceptive intent). A new declaration of the inventor indicating the proper international application number would be required as the declaration cannot be corrected under 37 CFR 1.182.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. A proper response would include a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(h), to correct the Transmittal Letter (The petition should set forth the specific circumstances as to how and when the error was made and should set forth that the mistake was an inadvertent error without deceptive intent). Extensions of time under 37 CFR 1.136(a) are available. Failure to timely file a proper response will result in abandonment of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Daniel Stemmer
PCT Legal Examiner
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0 3 JAN 2008

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In re Application of	:	
JANKOVICH	:	
Application No.: 11/662,989	:	DECISION
PCT No.: PCT/US2005/032593	:	
Int. Filing Date: 14 September 2005	:	
Priority Date: 15 September 2004	:	
Attorney's Docket No.: 040-03US1	:	
For: QKD SYSTEM AMBIGUOUS REMOTE	:	
CONTROL	:	

This decision is in response to applicant's petition under 37 CFR 1.181 filed in the United States Patent and Trademark Office (USPTO) on 09 November 2007.

BACKGROUND

On 15 March 2007, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission included, *inter alia*, a Transmittal Letter and a declaration of inventors. The Transmittal Letter and the declaration indicate the international application number as PCT/US2005/032693. However, the inventor, title, and priority date listed on the Transmittal Letter and the declaration do not match the inventor, title, and priority date for international application number PCT/US2005/032693.

On 15 February 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the full U.S. Basic National Fee by thirty months from the priority date. The Notification indicated the fee was due by 14 March 2007 rather than 15 March 2007.

On 07 December 2006, applicants filed a petition under 37 CFR 1.181.

On 25 October 2007, a decision was mailed dismissing without prejudice applicant's petition under 37 CFR 1.181. The decision also noted that a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(h), to correct the above-stated error regarding the Transmittal Letter was required.

On 09 November 2007, applicant filed the instant petition under 37 CFR 1.182.

DISCUSSION

Petition Under 37 CFR 1.182

As noted above, the decision mailed 25 October 2007 indicated the petition fee required as that set forth in 37 CFR 1.17(h) ($130). However, that indication was in error. The petition fee required is that set forth in 1.17(f) ($400). The balance has been charged to Deposit Account 50-2992.

A review of the application file including counsel's statements in the instant submission, as well as a review of the international publication of PCT/US2005/032693, reveals that the indication of international application PCT/US2005/032693 was incorrect, and that the present application should in fact be the national stage application of international application **PCT/US2005/032593**. Accordingly, the NOTIFICATION OF ABANDONMENT mailed 15 February 2006 is hereby VACATED.

Declaration of Inventor

The declaration of the inventor filed 09 November 2007 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 15 February 2006 is VACATED.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including processing the application as the national stage of international application **PCT/US2005/032593**.

/Daniel Stemmer/

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18 JAN 2008

PYLE & PIONTEK LLC
221 N. LASALLE STREET, SUITE 2036
CHICAGO, IL 60601

In re Application of SEVCIK et al	:	
U.S. Application No.: 11/663,018	:	
PCT Application No.: PCT/US2005/029200	:	
Int. Filing Date: 15 August 2005	:	DECISION
Priority Date Claimed: 22 September 2004	:	
Attorney Docket No.: IMI-90058	:	
For: ALCOHOLIC BEVERAGE DISPENSER	:	
WITH ADDITIVE INJECTION	:	

This is in response to applicant's "Request Under 37 CFR §1.48(a) to Correct Inventorship" filed 17 October 2007, which is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 15 August 2005, applicant filed international application PCT/US2005/029200, which claimed priority of an earlier United States application filed 22 September 2004. The thirty-month period for paying the basic national fee in the United States expired on 22 March 2007.

On 14 March 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 29 May 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 07 June 2007, applicant filed an executed declaration.

On 17 August 2007, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 07 June 2007 was executed by a person who was not listed as an inventor in the international application.

On 17 October 2007, applicant filed the present petition under 37 CFR 1.497(d).

DISCUSSION

The petition requests that Kevin Brandt be added as an inventor.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite processing fee will be charged to Deposit Account No. 10-1324 as authorized in the petition.

With regard to item (3) above, the petition fails to state whether the application has been assigned. In the event of an assignment, written consent of the assignee must be provided. Any assignment of the application must be demonstrated by supplying a copy of the assignment agreement or specifying by reel and frame number where such assignment information is recorded.

With regard to item (4) above, an executed declaration has been provided.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

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2 3 APR 2008

PYLE & PIONTEK LLC
221 N. LASALLE STREET, SUITE 2036
CHICAGO, IL 60601

In re Application of SEVCIK et al	:	
U.S. Application No.: 11/663,018	:	
PCT Application No.: PCT/US2005/029200	:	
Int. Filing Date: 15 August 2005	:	DECISION
Priority Date Claimed: 22 September 2004	:	
Attorney Docket No.: IMI-90058	:	
For: ALCOHOLIC BEVERAGE DISPENSER	:	
WITH ADDITIVE INJECTION	:	

This is in response to applicant's "Response to Decision Dated January 18, 2008" filed 11 March 2008, which is being treated as a renewed petition under 37 CFR 1.497(d).

BACKGROUND

On 15 August 2005, applicant filed international application PCT/US2005/029200, which claimed priority of an earlier United States application filed 22 September 2004. The thirty-month period for paying the basic national fee in the United States expired on 22 March 2007.

On 14 March 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 29 May 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 07 June 2007, applicant filed an executed declaration.

On 17 August 2007, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 07 June 2007 was executed by a person who was not listed as an inventor in the international application.

On 17 October 2007, applicant filed a petition under 37 CFR 1.497(d).

On 18 January 2008, this Office mailed a decision dismissing the 17 October 2007 petition.

On 11 March 2008, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition requests that Kevin Brandt be added as an inventor.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Applicant has previously satisfied items (1), (2), and (4) above.

With regard to item (3) above, applicant has submitted evidence that the application has been assigned by IMI Cornelius Inc. ("IMI"). However, written consent from IMI to the change of inventorship has not been provided.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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06 JUN 2008

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221 N. LASALLE STREET, SUITE 2036
CHICAGO, IL 60601

In re Application of SEVCIK et al	:	
U.S. Application No.: 11/663,018	:	
PCT Application No.: PCT/US2005/029200	:	
Int. Filing Date: 15 August 2005	:	DECISION
Priority Date Claimed: 22 September 2004	:	
Attorney Docket No.: IMI-90058	:	
For: ALCOHOLIC BEVERAGE DISPENSER	:	
WITH ADDITIVE INJECTION	:	

This is in response to applicant's "Response to Decision Dated April 23, 2008" filed 22 May 2008, which is being treated as a renewed petition under 37 CFR 1.497(d).

BACKGROUND

On 15 August 2005, applicant filed international application PCT/US2005/029200, which claimed priority of an earlier United States application filed 22 September 2004. The thirty-month period for paying the basic national fee in the United States expired on 22 March 2007.

On 14 March 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 29 May 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 07 June 2007, applicant filed an executed declaration.

On 17 August 2007, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 07 June 2007 was executed by a person who was not listed as an inventor in the international application.

On 17 October 2007, applicant filed a petition under 37 CFR 1.497(d).

On 18 January 2008, this Office mailed a decision dismissing the 17 October 2007 petition.

On 11 March 2008, applicant filed a renewed petition under 37 CFR 1.497(d).

On 23 April 2008, this Office mailed a decision dismissing the 11 March 2008 petition.

On 22 May 2008, applicant filed the present second renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition requests that Kevin Brandt be added as an inventor.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Applicant has previously satisfied items (1), (2), and (4) above.

With regard to item (3) above, applicant has previously submitted evidence that the application has been assigned by IMI Cornelius Inc. ("IMI"). Furthermore, the present renewed petition is accompanied by written consent from IMI to the change of inventorship.

CONCLUSION

For the reasons above, the second renewed petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 15 August 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 07 June 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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THE WEBB LAW FIRM, P.C.
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PITTSBURGH, PA 15219

Mail Date: 04/21/2010

Applicant	: Il Jun Park	: DECISION ON REQUEST FOR
Patent Number	: 7624778	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/663,019	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **178** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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3 0 MAY 2008

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MCDONNELL, BOEHNEN HULBERT & BERGHOFF LLP
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In re Application of: KOUVETAKIS, John, et al. U.S. Application No.: 11/663,024 PCT No.: PCT/US2005/033148 International Filing Date: 16 September 2005 Priority Date: 16 September 2004 Attorney's Docket No.: 05-724-US For: MATERIALS AND OPTICAL DEVICES BASED ON GROUP IV QUANTUM WELLS GROWN ON Si-Ge-Sn BUFFERED SILICON	DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Request For Correction Of Inventorship" filed 03 December 2007 requesting the addition of Ling LIAO and Dean SAMARA-RUBIO as additional inventors of record herein, treated herein under 37 CFR 1.497(d). Applicants have paid the required $130 processing fee.

BACKGROUND

On 16 September 2005, applicants filed international application PCT/US2005/033148. The application claimed a priority date of 16 September 2004, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 16 March 2007. The published international application identified three applicant/inventors for the U.S.: John KOUVETAKIS, Jose MENENDEZ, and John TOLLE.

On 15 March 2007, applicants filed an executed declaration and the "Request For Correction Of Inventorship" considered herein under 37 CFR 1.497(d). The submission requests the addition of Ling LIAO and Dean SAMARA-RUBIO as additional inventors of record herein.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive**

> **entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

The declaration filed by applicants on 03 December 2007 names an inventive entity different than that set forth in the international application. Specifically, Ling LIAO and Dean SAMARA-RUBIO are named as additional inventors. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

The present submission includes the required statements of non-deceptive intent from the persons to be added as inventors (Ling LIAO and Dean SAMARA-RUBIO), as well as the required processing fee. Requirements (A) and (B) are therefore satisfied. In addition, applicants have submitted the consent of the assignee to the requested change in inventorship, and such consent has been provided in compliance with 37 CFR 3.73(b). Requirement (C) is therefore also satisfied.

Based on the above, applicants have satisfied the requirements of a grantable request under 37 CFR 1.497(d).

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**. The inventorship of record herein is corrected to include added inventors Ling LIAO and Dean SAMARA-RUBI.

Based on the correction of inventorship, the declarations filed on 03 December 2007 is acceptable in compliance with 37 CFR 1.497(a) and (b).

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 03 December 2007.

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ELMORE PATENT LAW GROUP, PC
209 MAIN STREET
N. CHELMSFORD, MA 01863

In re Application of	:	
DORDICK, Jonathan S. et al.	:	
Application No.: 11/663,040	:	DECISION
PCT No.: PCT/US2005/031652	:	
Int. Filing Date: 07 September 2005	:	ON PETITION UNDER
Priority Date: 08 September 2004	:	
Docket No.: 3230.3013 US1	:	37 CFR 1.137(b)
For: ENHANCED STABILITY OF PROTEINS	:	
IMMOBILIZED ON NANOPARTICLES	:	

Applicant's Petition to Revive Under 37 CFR 1.137(b), filed in the above-captioned application on 15 March 2007 is **GRANTED**.

Applicant indicates that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted. The fee for late filing of the search fee, examination fee or oath or declaration will be charged to deposit account no. 50-2807, as authorized.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
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11/19/2007 SBASHEIR 00000002 502807 11663040
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Dickinson Wright, PLLC
1875 Eye Street, NW
Suite1200
Washington, DC 20006

MAILED

JUN 28 2010

OFFICE OF PETITIONS

In re Application of
JOACHIM CHARZINSKI ET AL.
Application No. 11/663,050
Filed: March 15, 2007
Attorney Docket No. **2004P16116 (NSN)**

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 May 31, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 87133 has been revoked by the applicants of the patent application on May 27, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

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Bruce L Adams
Adams & Wilks
17 Battery Place
Suite 1231
New York, NY 10004

Mail Date: 05/04/2010

Applicant	: Fumiyoshi Nagakura	: DECISION ON REQUEST FOR
Patent Number	: 7655851	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/663,103	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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31 JAN 2008

Docketing Department
LOCKE LIDELL & SAPP LLP
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In re Application of SCHIMA *et al* U.S. Application No.: 11/663,115 PCT No.: PCT/US2005/031880 Int. Filing Date: 07 September 2005 Priority Date: 07 September 2004 Attorney Docket No.: 021906-036US For: METHOD AND SYSTEM FOR PHYSIOLOGIC CONTROL OF A BLOOD PUMP	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 14 March 2007 is hereby **GRANTED** as follows:

The basic national fee and petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was not submitted.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee are required.

James Thomson

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0 9 JAN 2008

Eric S. Furman
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street, 14th Floor
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In re Application of	:	
ZHANG	:	
Application No.: 11/663,120	:	
PCT No.: PCT/CN2005/001057	:	
Int. Filing Date: 18 July 2005	:	DECISION
Priority Date: 19 August 2004	:	
Atty. Docket No.: CHANZ2.002APC	:	
For: A METHOD OF PREPARING	:	
NANOPARTICLES OF ...	:	

This is a decision on applicant's "PETITION FOR REVIVAL...UNDER 37 CFR 1.137(b)" filed in the U.S. Patent and Trademark Office (USPTO) on 16 March 2007. The petition was accompanied by, *inter alia,* the requisite petition fee, the basic national fee and a translation of the international application. The petition is **GRANTED** as discussed below.

The present application became abandoned as to the U.S. National Stage on 19 February 2007 for failure to pay the basic national filing fee prior to the expiration of 30 months from the priority date.

A review of the application file reveals that applicant has satisfied the requirements of 37 CFR 1.137(b). However, a review of the application file also reveals that applicant has not satisfied the requirements under 35 U.S.C. 371 for entry into the national stage in the United States, in that a declaration of the inventor has not been submitted.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring submission of a declaration of the inventor in compliance with 37 CFR 1.497 and the requisite fees for submission of the declaration and translation later than 30 months from the priority date.

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UNITED STATES PATENT AND TRADEMARK OFFICE

2 3 OCT 2008

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In re Application of: PROTOPATA, Carmelo, et al. U.S. Application No.: 11/663,134 PCT No.: PCT/IB2005/002718 International Filing Date: 14 September 2005 Priority Date: 16 September 2004 Atty's Docket No.: 42050 For: PROCESS FOR THE PREPARATION OF A POLYMERIC HYDROGEL BASED ON A HIGHLY PURIFIED POLYVINYLALCOHOL AND USES THEREOF	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a)" filed 10 July 2008. Applicants have paid the required petition fee.

BACKGROUND

On 14 September 2005, applicants filed international application PCT/IB2005/002718. The international application claimed a priority date of 16 September 2004, and it designated the United States. On 23 March 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 16 March 2007.

On 16 March 2007, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 10 July 2008, applicants filed a declaration executed by one of the two inventors of record and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of inventor Gerardo BALESTRIERI, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or

declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by one of the twoinventors of record in the international application and including an unsigned signature block for the non-signing inventor, Gerardo BALESTRIERI. This declaration can be accepted as having been executed by the signing inventors on their own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided a statement of facts from Carlo Bottero, with supporting documents. The statement and supporting documents provide the required firsthand showing that a request for signature, accompanied by a copy of the complete application, was forwarded to the non-signing inventor at his last known address, that the materials were received by the inventor, and that the inventor has expressly refused to provide the requested signature. These materials provide an acceptable showing that the non-signing inventor has refused to execute the declaration. Item (4) is therefore satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing inventor Gerardo BALESTRIERI.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 10 July 2008.

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UNITED STATES PATENT AND TRADEMARK OFFICE

23 OCT 2008

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Gerardo BALESTRIERI
Galleria Buenos Aires, 15
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ITALY

In re Application of: PROTOPATA, Carmelo, et al.
U.S. Application No.: 11/663,134
PCT No.: PCT/IB2005/002718
International Filing Date: 14 September 2005
Priority Date: 16 September 2004
Atty's Docket No.: 42050
For: PROCESS FOR THE PREPARATION OF A POLYMERIC HYDROGEL BASED ON A HIGHLY PURIFIED POLYVINYLALCOHOL AND USES THEREOF

Dear Mr. BALESTRIERI:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Counsel Of Record:
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2 3 MAR 2007

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In re Application of BINNER et al. Application No.: 11/663,137 PCT No.: PCT/US05/18002 Int. Filing Date: 16 May 2005 Priority Date: 14 May 2004 Attorney Docket No.: PPC5072CIPCT For: METHODS OF PACKAGING INTRAVAGINAL DEVICE	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 28 February 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith

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06 JUL 2009

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In re Application of	:	
BINNER, et al.	:	
U.S. Application No.: 11/663,137	:	DECISION ON PETITION
PCT No.: PCT/US05/18002	:	
Int. Filing Date: 16 May 2005	:	UNDER 37 CFR 1.182
Priority Date: 14 May 2004	:	
Attorney's Docket No.: PPC5072CIPCT	:	
For: METHODS OF PACKAGING	:	
INTRAVAGINAL DEVICE	:	

This decision is in response to applicant's "Petition For Change in Name of Inventors" filed 18 June 2009 in the United States Patent and Trademark Office (USPTO). The petition is being treated pursuant to 37 CFR 1.182. Applicant has provided payment of the $400.00 petition fee.

BACKGROUND

On 23 March 2007, applicant was mailed a decision granting applicant's petition to revive pursuant to 37 CFR 1.137(b).

On 05 June 2009, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 18 June 2009, applicant filed an executed declaration and power of attorney accompanied by the present petition under 37 CFR .1182 to change the names of inventors Julia Kozorovitsky and Erin Danyi.

DISCUSSION

The present petition is accompanied by a statement setting forth the procedure whereby the change of names was effected; namely by marriage. The statement is executed by both inventors identifying their current married names and their maiden names. As such, it is appropriate to grant applicant's petition at this time. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the

United States have now been satisfied.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventors names from Julia Kozorovitsky to Julia Iris and from Erin Danyi to Erin Marsee is **GRANTED**.

The application has an international filing date of 16 May 2005 under 35 U.S.C. 363 and will be given a date of **18 June 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/663,188	03/24/2008	Hans-Peter Huber	HUBER 5	4709

1444 7590 05/28/2010
BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
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WASHINGTON, DC 20001-5303

EXAMINER
CHU, KING M

ART UNIT	PAPER NUMBER
3728	

MAIL DATE	DELIVERY MODE
05/28/2010	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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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

In re Application of:	:	
HUBER, HANS-PETER et al	:	
Serial No.: 11/663,188	:	
Filed: March 24, 2008	:	DECISION ON PETITION
Docket: HUBER 5	:	
Title: MULTI-COMPARTMENT PACKAGING	:	
	:	

This is a decision on the petition filed on April 13, 2010 seeking withdrawal of the finality of the Office action mailed January 19, 2010. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is dismissed as untimely.

In the April 13, 2010 petition, the petitioner requests the finality of the Office action of January 19, 2010 be reconsidered and withdrawn because the applicant believes that the final rejection of February 11, 2009 was premature. In particular, petitioner believes that the examiner should have expected an amendment to overcome a 112 second paragraph rejection by combining claims 2 and 4 with the independent claim 1.

A review of the record shows that the instant petition was filed more than two months after the mailing date of the final Office action of January 19, 2010. 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 action complained of. As the petition was not timely filed, the requested withdrawal of finality of the Office action of January 19, 2010 will not be granted.

For reason as stated above, petitioner's request to withdraw the finality of the Office action dated January 19, 2010 is dismissed as untimely.

[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.

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 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 inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED AS UNTIMELY.

Robert Olszewski, Director
Technology Center 3700

United States Patent and Trademark Office

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2 6 NOV 2007

YOUNG & THOMPSON
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2ND FLOOR
ARLINGTON VA 22202

In re Application of	:	
Savard	:	
Application No.: 11/663,196	:	DECISION
PCT No.: PCT/FR04/02390	:	
Int. Filing Date: 22 September 2004	:	ON
Earliest Priority Date: 25 September 2003	:	
Attorney Docket No.: 0540-1079	:	PETITION
For: Gear Shifting System Particularly	:	
Adapted To Bicycles	:	

The petition to revive under 37 CFR 1.137(b) filed on 19 March 2007 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee. The petition fee has been paid. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

Petitioner states that the correspondence filed on 19 March 2007 "includes all the elements required for entry into the national stage under 35 USC 371(c)," but inspection of the IFW reveals that no oath or declaration appears to have been filed, and no reference appears to have been made to a declaration under Rule 4.17(iv).

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b).

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19 SEP 2007

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In re Application of	:	
ZHANG	:	
Application No.: 11/663,201	:	DECISION ON
PCT No.: PCT/CN2004/001091	:	
Int. Filing Date: 24 September 2004	:	PETITION UNDER
Priority Date: 11 August 2004	:	
Attorney Docket No.: CHANZ2.001APC	:	37 CFR 1.137(b)
For: THE PREPARATION METHOD OF	:	
GALACTOZYL-HAS MAGNETIC NANOPARTICLES	:	
CONTAINING ADRIAMYCIN	:	

This decision is in response to applicant's submission filed 16 March 2007.

BACKGROUND

On 24 September 2004, applicant filed international application PCT/CN2004/001091 which designated the U.S. and claimed a priority date of 11 August 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 16 February 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 February 2007 (11 February 2007 being a Sunday).

On 16 March 2007, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, an English translation of the international application as filed, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 16 March 2007.

As to item (2), the petition fee will be charged to Deposit Account 14-1410.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Translation

The processing fee under 37 CFR 1.492(i) of $130 for providing an English translation later than thirty months from the earliest priority date will be charged to Deposit Account 14-1410.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

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01 APR 2008

Robert Dabney Eastham
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In re Application of MURDOCH, Douglas H. Application No.: 11/663,202 PCT No.: PCT/US05/34036 Int. Filing Date: 19 September 2005 Priority Date: 20 September 2004 Attorney Docket No.: B-6232PCT For: CARRIER SYSTEM	: : : : : : :	DECISION

This decision is issued in response to applicants' "Transmittal Letter and Response with Clarification to Notification of Missing Requirements under 35 USC 371" which is being treated as a Petition under 37 CFR 1.497(d).

BACKGROUND

On 19 September 2005, applicant filed international application no. PCT/US05/34036 which claimed a priority date of 20 September 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 30 March 2006. The international application named DOUGLAS, Harlan Murdoch (or Harland Murdoch Douglas) as an applicant/inventor. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 20 March 2007.

On 16 March 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia,: the basic national fee, an unexecuted declaration; and a copy of the international application.

On 16 August 2007, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 16 October 2007, applicant filed "Transmittal Letter and Response with Clarification to Notification of Missing Requirement under 35 USC 371" which included a declaration executed by: Douglas Harland Murdoch and Michael Sturm.

DISCUSSION

A. Omitted Inventors

As defined in 37 CFR 1.9(a)(3), a U.S. national stage application must first comply with the requirements of 35 U.S.C. 371(c) to constitute a "nonprovisional" application, therefore, applicants' request will be treated under 37 CFR 1.497(d). Applicant requests to add Michael Sturm as an inventor to the present application. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part; (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a); (3) the fee set forth in 37 CFR 1.17(i); and (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Item (1) has not been satisfied. Applicant has not submitted a statement from the inventor being added, in which the inventor states that the earlier error in inventorship did not result from deceptive intent on his part. Item (1) is therefore satisfied.

Item (2) has not been satisfied. Applicant has not submitted the required petition fee under 37 CFR 1.17(h).

Item (3) has not been satisfied. Applicant has not provided the assignee's consent to the addition of Michael Sturm as an inventor herein. Applicant must provide such consent before item (3) can be considered satisfied.

Item (4) has been satisfied.

Because applicant has not satisfied all the requirements of 37 CFR 1.497(d), inventor Michael Sturm cannot be added to the application on the present record.

B. Name of Inventor (Harland Murdoch Douglas)

As stated above, the published international application identifies the first inventor as DOUGLAS (family name), Harland (given name), Murdoch (middle name). Applicant states that the correct name of the inventor is Douglas (given name) Harland (middle name) Murdoch (family name), as indicated on the PCT Request filed September 19, 2005. A review of the PCT Request reveals that counsel listed the name of the inventor as "Douglas Harland Murdoch." In accordance with PCT Rule 4.4, the appropriate format for naming an inventor on the PCT Request is "Family Name" followed by "Given Name." Therefore, the International Bureau indicated the name of the inventor as it appeared on the PCT Request and applicant is required to correct the error in the inventor's name.

With respect to corrections in an inventor's name, section 605.04(b) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

In this case, the discrepancy in the first inventor's name is more than a mere typographical error or a phonetic misspelling of the applicant's name; accordingly, a petition under 37 CFR 1.182 is required in order to correct the inventor's name as requested.

CONCLUSION

For the reasons discussed above, applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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UNITED STATES PATENT AND TRADEMARK OFFICE

18 JUN 2008

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Robert Dabney Eastham
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Altadena, CA 91001-4005

In re Application of	:	
MURDOCH, Douglas H.	:	
Application No.: 11/663,202	:	DECISION
PCT No.: PCT/US05/34036	:	
Int. Filing Date: 19 September 2005	:	
Priority Date: 20 September 2004	:	
Attorney Docket No.: B-6232PCT	:	
For: CARRIER SYSTEM		

This decision is issued in response to applicants' "Corrected Submission/Petition Pursuant to 37 CFR 1.497(d) to Correct an Error in Naming Inventorship" and applicants' "Petition Pursuant to 37 CFR 1.182 to Correct an Error in Naming an Inventor" filed 23 May 2008.

BACKGROUND

On 19 September 2005, applicant filed international application no. PCT/US05/34036 which claimed a priority date of 20 September 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 30 March 2006. The international application named DOUGLAS, Harlan Murdoch (or Harland Murdoch Douglas) as an inventor. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 20 March 2007.

On 16 March 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia,: the basic national fee, an unexecuted declaration; and a copy of the international application.

On 16 August 2007, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 16 October 2007, applicant filed "Transmittal Letter and Response with Clarification to Notification of Missing Requirement under 35 USC 371" which included a declaration executed by: Douglas Harland Murdoch and Michael Sturm. Applicant's

papers were treated as a request to correct inventorship under 37 CFR 1.497(d). In a decision dated 01 April 2008, applicant's petition under 37 CFR 1.497(d) was dismissed without prejudice.

On 23 May 2008, applicant filed a "Corrected Submission/Petition Pursuant to 37 CFR 1.497(d) to Correct an Error in Naming Inventorship" and a "Petition Pursuant to 37 CFR 1.182 to Correct an Error in Naming an Inventor."

DISCUSSION

A. Omitted Inventors

The present submission seeks to correct the inventorship so as to add inventor Michael Sturm to the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

> ((d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> > (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17; and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).
> >
> > (4) any new oath or declaration required by paragraph (f) of this subsection.

Applicant's submission satisfies the requirements of 37 CFR 1.497(d). Applicant has submitted a statement from the person (Michael Sturm) being added as an inventor in compliance with 37 CFR 1.497(d)(1). The $130 processing fee required under 37 CFR 1.1497(d)(2) has been submitted. Additionally, the submission included the consent of the assignee to the requested correct of inventorship, in the form required under 37 CFR 1.497(d)(3) and 3.73(b). Accordingly, applicant has now satisfied all the requirements to correct the inventorship herein.

B. Name of Inventor (Douglas Harland Murdoch)

The published international application identifies the first inventor as Harland Murdoch Douglas. On the declaration filed 16 October 2007, this inventor was identified as Douglas Harland Murdoch. With respect to corrections in an inventor's name, section 605.04(b) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

In this case, the discrepancy in the inventor's name is more than a mere typographical error or a phonetic misspelling of the applicant's name; accordingly, a petition under 37 CFR 1.182 is required in order to correct the inventor's name as requested.

Applicant's petition includes the required petition fee. The petition explains the discrepancy in the inventor's name and that the order of the inventor's name has been corrected. Accordingly, applicant's explanation is accepted and noted for the record.

CONCLUSION

The renewed request under 37 CFR 1.497(d) is **GRANTED**.

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

A review of the application papers reveals that applicants have completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application will be given an international application filing date of 19 September 2005 and a date of **16 October 2007** under 35 U.S.C. 371.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

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Robert Dabney Eastham
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In re Application of
MURDOCH, Douglas H.
Application No.: 11/663,202
PCT No.: PCT/US05/34036
Int. Filing Date: 19 September 2005
Priority Date: 20 September 2004
Attorney Docket No.: B-6232PCT
For: CARRIER SYSTEM

DECISION

This decision is in response to "Petition to Amend Specification to Add Reference to Prior-Filed Provisional Application (37 CFR 1.78(a)(6))" filed June 20, 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 application data sheet.

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 Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant pending nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the above-noted, prior-filed provisional application has been included in an amended specification, as provided by 37 CFR 1.78(a)(5)(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. § 119(e) to the above-noted, prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), 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)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision, including the processing the benefit claim to the prior-filed provisional application referred to in the present petition.

Boris Milef
Legal Examiner
Office of Petitions and PCT Legal Administration

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06 MAR 2008

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In re Application of RAO *et al* U.S. Application No.: 11/663,205 PCT No.: PCT/US2004/025578 Int. Filing Date: 06 August 2004 Priority Date: 07 August 2004 Attorney Docket No.: 1388-04 For: DATA SECURITY AND DIGITAL RIGHTS MANAGEMENT SYSTEMS	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 19 March 2007 is hereby **GRANTED** as follows:

The basic national fee and petition fee for a small entity have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration pursuant to PCT Rule 4.17(iv) and in compliance with 37 CFR 1.497(a) and (b) was filed in the international application.

This application is being forwarded to the Office of Patent Application Processing for further processing.

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Mail Date: 04/28/2010

Applicant	: Susumu Miyao	: DECISION ON REQUEST FOR
Patent Number	: 7658572	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/663,245	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

1 7 DEC 2008

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In re Application of	:	
GRANT, et al.	:	
Application No.: 11/663,247	:	
PCT No.: PCT/GB05/03562	:	DECISION ON PETITION
Int. Filing Date: 16 September 2005	:	
Priority Date: 17 September 2004	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 208039-2130 (208039)	:	
For: COMPOSITIONS MONOVALENT FOR CD40L	:	
BINDING AND METHODS OF USE	:	

The petition to revive under 37 CFR 1.137(b) filed 10 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided a compliant CRF of the sequence listing and signed declaration of the inventors. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. In addition, a review of the filed papers finds that applicant has provided all of the requirements for entry into the U.S. national stage.

The application has an international filing date of 16 September 2005 under 35 U.S.C. 363 and will be given a date of **10 October 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

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